

UNITED STATES DISTRICT COURT?
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----: :
SARAH ROE, : :
Plaintiff, : :
-vs- : Case No. 1:16-cv-562
: :
LINDA HOWARD, et al., : :
Defendants, : :
-----: :

V O L U M E 1 of 5

TRIAL TRANSCRIPT

July 25-28 & 31, 2017

Before: Liam O'Grady, USDC Judge

And a Jury

APPEARANCES:

Melissa L. Patterson, M. Carter DeLorme, and Andres C. Salinas,
Counsel for the Plaintiff

Richard F. Rinaldo and Timothy J. Battle,
Counsel for Defendant Linda Howard

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1 NOTE: The case begins in the absence of the jury
2 panel as follows:

3 JURY PANEL OUT

4 THE CLERK: The Court calls case 1:16-cv-562, Sarah
5 Roe versus Linda Howard for a jury trial. May I have the
6 appearances, please, first for the plaintiff.

7 MR. DeLORME: Good morning, Your Honor. Carter
8 DeLorme from Jones Day along with Melissa Lim Patterson and
9 Andres Salinas. Steve Ferry from our office is with us as
10 well. As well as our client, Sarah Roe.

11 As you know, Your Honor, Ms. Patterson is lead
12 counsel, and both Ms. Patterson and Mr. Salinas are admitted
13 pro hac vice. So I would ask that they be allowed to lead the
14 proceedings for the plaintiff.

15 THE COURT: Certainly. Good morning to each of you.
16 Good morning, sir.

17 Good morning.

18 MR. BATTLE: Your Honor, Timothy Battle for the
19 defendant, Linda Howard. Mrs. Howard is seated at my left.

20 And Rick Rinaldo from Pittsburgh, Pennsylvania has
21 been admitted pro hac vice in this court. With the Court's
22 permission, I ask that he be allowed to serve as lead counsel
23 for the duration of this jury trial.

24 THE COURT: All right, certainly. Good morning, Mr.
25 Battle.

1 Good morning, Mr. Rinaldo.

2 MR. RINALDO: Good morning, Your Honor.

3 THE COURT: And Mrs. Howard.

4 All right. You have some preliminary matters?

5 MR. RINALDO: Your Honor, they are very brief, Your
6 Honor.

7 THE COURT: Yes, sir.

8 MR. RINALDO: One of them may have already resolved
9 itself when I heard the case announced, it said Sarah Roe
10 versus Linda Howard. I take it that because of the dismissal
11 yesterday afternoon, the voluntary dismissal, we have
12 essentially amended the caption of the case?

13 THE COURT: Correct. And I have signed that order.

14 MR. RINALDO: That takes care of the first one.

15 THE COURT: All right.

16 MR. RINALDO: The second one is we know we're going
17 to have a charging conference, so this is not the time to talk
18 about instructions to the jury. There is one, however, which
19 is a preliminary instruction, and I'm not sure how the Court
20 plans to address the jury this morning with respect to the
21 claims that are being made in this case.

22 The plaintiffs have submitted preliminary instruction
23 number 6 which -- to which I -- to which I object. I wouldn't
24 have a problem if Ms. Lim Patterson said that, but coming from
25 the Court, it's a little bit slanted, I think.

1
2 A. I prepared an alternative which I gave to her this morning
3 which I would like to submit to the Court for its
4 consideration. It's about 20 lines. If you don't mind.

5 THE COURT: Sure. I'm happy --

6 MR. RINALDO: Your Honor --

7 THE COURT: What's the instruction 6?

8 MR. RINALDO: It's preliminary instruction 6 on their
9 proposed instructions. I don't know if the Court was going to
10 give it. So in an abundance of caution, I prepared what I
11 thought I hoped was a neutral one.

12 THE COURT: I'm just going to give a very discrete
13 description of the offense right up front before I even get
14 into voir dire, and I'm just going to say that plaintiff has
15 sued Linda Howard in a four-count complaint alleging violations
16 of the Trafficking Victims Protection Act that occurred in 2007
17 while they were in Yemen, and that it involves forced labor,
18 forced sexual services, commercial sex trafficking, and
19 conspiracy to do the above.

20 And that Mrs. Howard was a United States State
21 Department employee assigned to the U.S. Embassy in Yemen. And
22 that she and her husband lived in the embassy housing. They
23 came to employ Ms. Roe as a live-in housekeeper in June of
24 2007. That while employed with them there for a period until
25 December 0f 2007, Ms. Roe alleges that she was forced to work

1 90-plus hours per week, that she was repeatedly raped by Mrs.
2 Howard, that she was sexually assaulted by Mrs. Howard. That
3 she was held in the apartment by threats before being evicted
4 for refusing sex in December of 2007. And she seeks damages
5 for these claims.

6 I am going to leave it at that.

7 MR. RINALDO: Are you going to say, Your Honor --

8 THE COURT: I am going to say that Mrs. Howard has
9 denied all of these claims.

10 MR. RINALDO: Okay. Thank you, Your Honor, I hope
11 so.

12 THE COURT: Yeah. All right.

13 MR. RINALDO: With respect to voir dire questions, I
14 don't know whether the Court is going to propose all of them or
15 whether it's worth making any objections to some of the ones
16 that the plaintiff had suggested. Most of them are from
17 O'Malley. None of the ones that I have a problem with were.

18 I was able to find a copy of O'Malley in Pittsburgh,
19 Your Honor, so that was helpful for me.

20 The only ones, questions 32 and 33 on their proposed
21 voir dire, I think might be a little confusing to the jurors
22 and the use of an instruction -- you're going to have an
23 instruction on the use of an interpreter at trial, so I don't
24 know that there is -- I think.

25 THE COURT: Probably not.

1 MR. RINALDO: Oh, okay.

2 THE COURT: I'm going to generally ask in voir dire
3 whether -- I'm going to say that there will be witnesses
4 testifying by interpreter. That the case deals with -- that
5 Ms. Roe is of Ethiopian heritage. That she is going to use an
6 interpreter. And pretty much -- and ask whether anybody has
7 any feelings about a person from another country using an
8 interpreter. Anybody believe that they couldn't be fair and
9 impartial based on those circumstances.

10 MR. RINALDO: That's fine, Your Honor.

11 THE COURT: Okay.

12 MR. RINALDO: And then I don't know whether their
13 question 39 is one you're going to ask. My suggestion is very
14 minor.

15 THE COURT: I'm going to ask, would you give more or
16 less weight to a witness based solely on their occupation?

17 MR. RINALDO: That's fine. It was the "or less" that
18 I was wondering about. That's fine.

19 THE COURT: And I will give ask, for instance, a law
20 enforcement officer or a State Department employee.

21 MR. RINALDO: Fine, Your Honor.

22 THE COURT: Okay.

23 MR. RINALDO: And the last one are questions 41 to
24 45, and particularly questions 43 to 45. Which I think suggest
25 their answer and are potentially prejudicial to my client. I

1 don't know if you were thinking about giving them at all.

2 THE COURT: No, I am not giving any of those.

3 MR. RINALDO: Okay. Then I don't have any objection
4 to that, obviously. So that takes care of that.

5 There are two other, both very minor things.

6 THE COURT: Okay.

7 MR. RINALDO: One is I would like to revisit this
8 morning just for a moment the potential testimony of Jane Doe.

9 First of all, the transcript wasn't ready until last
10 night, so I am not quite sure what the Court ruled on that, but
11 there were two issues that were not raised that have come up
12 since then.

13 One is that under Rule 415(b) of the Federal Rules of
14 Evidence -- because if I recall, you ruled that it might be
15 proper under 415. Under 415(b) -- excuse me, Your Honor, I
16 just need to get the rule.

17 THE COURT: Certainly. I think I ruled under both.

18 MR. RINALDO: Well, specifically --

19 THE COURT: Well, it's 404 --

20 MR. RINALDO: Well, 415(b), the reason I raise is it
21 that they would have been required to give me a summary of the
22 testimony at least 15 days before trial, which they did not do.

23 And 404 I'm pretty sure only applies in a criminal
24 proceeding because it talks about the prosecutor. It would be
25 admissible under 415(b) based on your ruling, Your Honor, over

1 my objection if they had given me a summary. But they didn't.
2 And she has not been deposed in this case.

3 THE COURT: Okay. Ms. Patterson, do you want to
4 respond?

5 MS. PATTERSON: Absolutely, Your Honor.

6 MR. RINALDO: Let me move over here.

7 MS. PATTERSON: Absolutely, Your Honor. Under Rule
8 404(b), 404(b) does not just apply to criminal cases. While
9 the notice requirement does apply to criminal cases, it does
10 not apply to civil cases. And, therefore, according to Your
11 Honor's ruling last Friday, we are permitted to bring in
12 evidence related to Ms. Doe.

13 With respect to 415 and the disclosure to the
14 opponent, in this case, Your Honor, there was a complaint that
15 Jane Doe submitted to the Court many years ago that outlined
16 what her testimony is going to be.

17 The purpose of the disclosure requirement is to
18 provide the other side with fair notice about what the witness
19 may testify to. And Mr. Rinaldo has that fair notice. He has
20 evidence -- or he has a summary of what she will testify to.

21 Not only does he have that notice, but he also had
22 the opportunity to depose her had he chose to. We provided
23 that notice when we stated that we were intending to call Ms.
24 Doe. And we provided that -- and that evidence is within the
25 complaint, something that he has had since the beginning of

1 this case, Your Honor.

2 MR. RINALDO: May I respond briefly, Your Honor?

3 THE COURT: Yes, sir.

4 MR. RINALDO: First of all, Your Honor, with respect
5 to the kind of notice. I don't think 415 says that because
6 somebody filed a complaint in another case, I'm deemed to have
7 notice that her testimony in this case is going to be in those
8 areas.

9 I think I'm entitled under 415(b) to a summary of
10 what a witness is going to do in this case, not some other case
11 that just happens to be filed of record.

12 Secondly, with respect to the notice that I had and
13 an opportunity to depose her, I will say that Ms. Doe was added
14 to the witness list by a supplemental initial disclosure the
15 day before discovery closed, but I'm not going to rest on that
16 because I don't think she -- and if you look at 404, I don't
17 think 404 let's her testify in this case, Your Honor.

18 And I know you may disagree, and if that happens, she
19 is going to testify, but the reason I raise it in another way
20 is I really don't know, based on the Court's ruling because I
21 haven't gotten a chance to see the transcript yet, it just came
22 in last night apparently, I don't know what it is the Court was
23 going to let her testify about.

24 I remember you said conditions in the Howard
25 residence, but I didn't know whether you were going to let her

1 testify about all of the alleged acts that took place.

2 Because, first, they took place after.

3 Second, they are highly prejudicial, obviously, to my
4 client, whether they took place or not. And it essentially
5 creates a trial within a trial because you have ruled
6 collateral estoppel doesn't apply here.

7 THE COURT: I think I was pretty clear that I wasn't
8 going to allow her to testify about what occurred in her own
9 case and that she got a judgment and the circumstances of the
10 award, none of that's coming in.

11 But I stated, I thought pretty clearly, that she
12 would be allowed to testify about what happened to her while
13 she was employed by the Howards. I found that the acts are so
14 similar, conduct so similar that it's not a bar that it
15 occurred after because they're so close in time. And that she
16 would testify to the substance of what happened to her,
17 including the sexual assaults and the forced labor. And so,
18 that was certainly what I intended by my ruling.

19 Now, you have through discovery, what did you get
20 about Ms. Doe's case in discovery?

21 MR. RINALDO: Nothing. Well, I mean, they produced
22 the complaint as part of the documents. But what they haven't
23 done is to tell me what she's planning to testify, a summary of
24 what she is testifying to today.

25 THE COURT: And you found out that she was an

1 intended witness only at the close --

2 MR. RINALDO: It was on May 17, I think.

3 MS. PATTERSON: Yes, Your Honor, but we did state
4 that we would be willing to consent to a motion to extend
5 discovery because of the late notice. And Mr. Rinaldo didn't
6 take us up on that offer.

7 THE COURT: Okay. Well, when is she going to testify
8 in your case?

9 MS. PATTERSON: We expect tomorrow morning, Your
10 Honor.

11 THE COURT: All right. Then let's get a summary of
12 her testimony together and give it to Mr. Rinaldo by this
13 evening so that you will have the late notice, which I hope is
14 better than no notice.

15 MR. RINALDO: It is, Your Honor.

16 THE COURT: All right.

17 MR. RINALDO: Just so that I don't ever get in a
18 position where someone can say I waived my objection, I presume
19 that the reasons I have given, plus the general reasons I gave
20 in the motion in limine as well, preserve my objection?

21 THE COURT: Yes, sir. And your exception is noted
22 this morning as well.

23 MR. RINALDO: I understand, Your Honor. And then we
24 just have one more thing.

25 THE COURT: Yes, sir.

1 MR. RINALDO: The last thing is that it's my
2 understanding, I heard, I guess it would be a week ago today,
3 that Michael Meszaros would be permitted to testify by the
4 State Department. And I think they're planning to call him as
5 a witness.

6 MS. PATTERSON: Yes, we are, Your Honor.

7 MR. RINALDO: It was not practical to try to depose
8 him and get him subpoenaed before this trial this morning. I
9 did, however, have a telephone conversation with Mr. Meszaros,
10 he was gracious enough to speak with me.

11 And based on my conversation, I would at least like
12 an offer of proof maybe out of the presence of the jury at some
13 point before he testifies because I don't think he has any
14 information which would be admissible. He didn't even meet the
15 plaintiff in this case until after she had ended her employment
16 with my client.

17 He left Yemen not knowing anything about this, and
18 they resumed their acquaintance when he reached out to a number
19 of people on Facebook that he had known in Yemen. He met her
20 while she was a waitress after she left. And he didn't know
21 anything about any of this. And they resumed communication by,
22 I guess it's Facebook, that's what he said. And when he
23 reached out to a number of people he had known in Yemen some
24 years after he left Yemen, she responded on Facebook and they
25 began a conversation.

1 He has told me he has no personal knowledge at all of
2 the facts of this case or the circumstances of this case. So I
3 would like an offer of proof before he testifies.

4 THE COURT: All right.

5 MR. RINALDO: And that's all I have this morning,
6 Your Honor.

7 THE COURT: All right. Thank you, Mr. Rinaldo.

8 Ms. Patterson, do you want to respond?

9 MS. PATTERSON: Absolutely, Your Honor. And because
10 we are planning on calling Mr. Meszaros first, I'm happy to
11 provide the offer of proof now as to what he may be testifying
12 to.

13 THE COURT: Go ahead.

14 MS. PATTERSON: Mr. Meszaros was a State Department
15 employee who worked in Yemen in 2008 and was familiar with the
16 Howards. Not only with the -- while Mr. Rinaldo is correct
17 that Mr. Meszaros did not know Sarah Roe at the time that she
18 worked for the Howards, he did know the Howards in 2008 as well
19 as some of their other housekeepers.

20 He intends to testify about, first, his experience in
21 Yemen to give the jury background about what it was like in
22 Yemen, about the State Department community, and about the
23 housing compound that both Mr. Meszaros and the Howards lived
24 at.

25 Furthermore, he will testify about the State

1 Department community and the Howards' role in the State
2 Department community, including specific instances where he
3 interacted with both Russell and Linda Howard, as well as some
4 of their housekeepers.

5 Those are all relevant to today's case in particular
6 because he will also testify about some of his observations of
7 Linda Howard with Jane Doe, one of our other witnesses.

8 All of these are relevant. And under Rule 401, Your
9 Honor, the bar for relevance is extremely low, and we've met
10 that.

11 THE COURT: What is the intended testimony about his
12 observations concerning Ms. Doe and Mrs. Howard?

13 MS. PATTERSON: Yes, Your Honor. In 2008, somewhere
14 between February to April or May of 2008, he observed Mrs.
15 Howard and Ms. Doe traveling about the embassy compound or at
16 the embassy itself and observed some of their interactions. He
17 will testify as to the fact that he saw them sometimes together
18 at the gym and at other kind of more social events.

19 And, Your Honor, what Mrs. Howard has put forward in
20 this case is that she had strictly an employer/employee
21 relationship with her housekeepers. And we intend for Mr.
22 Meszaros to provide testimony about what he observed about
23 those relationships.

24 THE COURT: All right. Thank you, Ms. Patterson.

25 Mr. Rinaldo, do you want to respond?

1 MR. RINALDO: May I, Your Honor?

2 THE COURT: Yes, sir.

3 MR. RINALDO: I don't have an objection to Mr.
4 Meszaros testifying about his experience in Yemen as an
5 employee of the State Department and testifying about the
6 circumstances in Yemen in 2008 when he was there. And he
7 clearly can describe the Hunt Oil Compound.

8 To the extent that he is going to testify that he saw
9 Mrs. Howard with Jane Doe at the gym and so forth, I'm not
10 entirely sure that's relevant because the issue in this case is
11 the relationship between Mrs. Howard and Sarah Roe, not the
12 relationship with Jane Doe. And she hasn't -- she certainly
13 hasn't offered any testimony yet about housekeepers and their
14 relationship other than Sarah Roe.

15 And that experience with Mr. and Mrs. Howard and Mr.
16 Meszaros is going to be pretty limited. He told me he had
17 never visited their house. And they left Yemen, as I think
18 this Court knows, for Tokyo in 2008. So that's a pretty
19 limited experience.

20 As a practical matter then, since he can testify I
21 think about certain things, I will probably object as we go
22 along if that's okay with the Court.

23 THE COURT: Yes, sir. I mean, I think that the
24 outline that Ms. Patterson has given includes permissible
25 testimony. The relevance, you know, in every case you tie

1 things together through subsequent witnesses. If you believe
2 that at the end of the plaintiff's case, or at the end of the
3 case entirely, the evidence should be stricken because it was
4 never tied together, then you let me know and we'll talk about
5 that and, if appropriate, I'll let the jury know that.

6 MR. RINALDO: Right. So that Your Honor -- since I
7 have never tried a jury trial in front of you before, that I
8 don't inadvertently violate a procedure that you follow, if a
9 particular question I believe is objectionable, I take it I can
10 make the objection?

11 THE COURT: Please, absolutely, to preserve your
12 record. But no speaking objections.

13 MR. RINALDO: No.

14 THE COURT: Relevance --

15 MR. RINALDO: The only concern I have, Your Honor, is
16 if I make an objection -- and my understanding is if I don't
17 site the basis for the objection, then if there is any possible
18 basis on which it could be objected, it's deemed to be a proper
19 admission. So I suppose I best state as briefly as possible
20 the nature of my objection without a speech.

21 THE COURT: Relevance.

22 MR. RINALDO: Right, that's what I was talking.

23 THE COURT: Just one word, two words.

24 MR. RINALDO: Unfairly prejudicial, right.

25 THE COURT: And if I need more of an explanation to

1 understand what I think you're getting at, then I'll ask you
2 for it.

3 MR. RINALDO: That's fine. That's what I was
4 planning to do, Your Honor.

5 THE COURT: All right. Now --

6 MR. RINALDO: That's all I have on my preliminaries.

7 THE COURT: All right. Ms. Patterson, I expect that
8 the direct-examination, I don't mind leading questions for
9 background information, but I expect non-leading questions for
10 matters which are important to the jury's consideration of the
11 case.

12 So let's be mindful of that, all right? And we're
13 obviously going to be testifying through interpreters, and
14 things go a little slower, and there may be some confusion, but
15 let's be careful about your questions on direct. All right?

16 MS. PATTERSON: Absolutely, Your Honor.

17 THE COURT: All right. Anything else that we need to
18 talk about before we get our jury up?

19 MS. PATTERSON: Not for the plaintiff, Your Honor.

20 MR. RINALDO: Not for the defendant.

21 THE COURT: All right. At the end of voir dire, as I
22 indicated last week, I'll ask you to the side-bar. I will ask
23 you whether you have any objections to the questions I have
24 asked, whether you want further questions included, and that's
25 the time to preserve the record on the voir dire questions if

1 you think that -- for whatever reason.

2 All right? Okay. All right, then let's take a brief
3 recess and we'll get our jury upstairs, and we'll begin our
4 jury selection.

5 All right, we're in recess.

6 NOTE: At this point a recess is taken; at the
7 conclusion of which the case continues in the presence of the
8 jury panel as follows:

9 JURY PANEL IN

10 THE CLERK: The Court calls case 1:16-cv-562, Sarah
11 Roe versus Linda Howard for a jury trial.

12 May I have the appearances, please, first for the
13 plaintiff.

14 MR. DeLORME: Good morning, Your Honor. Again,
15 Carter DeLorme from Jones Day, alone with Melissa Lim Patterson
16 and Andres Salinas.

17 THE COURT: All right. Good morning.

18 MR. BATTLE: Good morning, Your Honor. Timothy
19 Battle for the defendant, Linda Howard. And with me is
20 attorney Rick Rinaldo.

21 THE COURT: All right, good morning again to each of
22 you. Good morning.

23 MR. RINALDO: Good morning, Your Honor.

24 THE COURT: All right. Good morning, ladies and
25 gentlemen. We're going to -- this is a civil case, which I

1 will go over the basic facts of in a few moments, but why don't
2 we start by calling the roll and finding out who is with us
3 today.

4 THE CLERK: Ladies and gentlemen, as I call your
5 name, would you please stand, answer present, and then you may
6 be seated after your name is called.

7 When I call your name, I will be calling your juror
8 number, please try to remember those when we ask you questions
9 later.

10 NOTE: At this point the jury panel is called and
11 sworn.

12 THE COURT: All right. Good morning. Now that we
13 know who is with us, just for background information, the
14 persons who are not here today whose names were called will be
15 notified that they should have been here. Often times there is
16 a problem with an address or there is a language problem.

17 And those persons, as I said, they will be contacted,
18 they will be asked why they were not here, and of course they
19 are subject to penalties for not being present. We, obviously,
20 take service here as jurors very seriously.

21 Sir, are you just an observer this morning, or are
22 you --

23 A WITNESS: Witness.

24 THE COURT: A witness. All right. Thank you, sir.

25 Why don't we have our witnesses excluded from the

1 courtroom at this time, Ms. Patterson.

2 Sir, if you could remain outside in the hallway, I
3 apologize.

4 NOTE: The witnesses for the case are excluded from
5 the courtroom.

6 THE COURT: All right. My name is Liam O'Grady, and
7 I will be the trial judge in this case.

8 It's a civil case, as I indicated. The plaintiff is
9 Sarah Roe. That's not her real name, it's the name that she
10 has used in filing this lawsuit for personal reasons. The fact
11 that we're using a pseudonym for her real name is not a matter
12 that you should consider as having any special significance,
13 and certainly shouldn't be evidence for or against any party
14 that is present here today.

15 Ms. Roe has filed suit against Linda Howard, the
16 defendant in the case, and has accused Mrs. Howard in a
17 four-count complaint with violations of the Trafficking Victims
18 Protection Act. She alleges that between June and December of
19 2007 while in Yemen she was forced -- in the four counts of the
20 complaint she alleges that she underwent forced labor, forced
21 sexual services, commercial sex trafficking, and also a
22 conspiracy to do those above acts.

23 In a little more particular, it's alleged in the
24 complaint that Mrs. Howard was a United States State Department
25 employee and was assigned to the U.S. Embassy in Yemen. That

1 she and her husband, who is now deceased, lived in embassy
2 housing and came to employ Ms. Roe as a live-in housekeeper in
3 June of 2007.

4 That while employed there for a period of six months,
5 Ms. Roe claims that she was forced to work 90-plus hours a week
6 and received insufficient compensation. That she was
7 repeatedly raped by Mr. Howard. That she was sexually
8 assaulted by Mrs. Howard. That she was held in the apartment
9 as the live-in housekeeper by threats before being evicted for
10 refusing sex in December of 2007. And she seeks damages for
11 the injuries that she suffered from these claims.

12 Mrs. Howard has denied each of those claims, and
13 that's why we're here today, to try the case before a jury.

14 Why don't we introduce the parties again with a
15 little more specificity.

16 Ms. Patterson, would you identify yourself and your
17 team here and your client at this time.

18 MS. PATTERSON: Absolutely, Your Honor. My name is
19 Melissa Lim Patterson. And I, along with my colleagues Andres
20 Salinas and Carter DeLorme, represent our client, Ms. Sarah
21 Roe.

22 THE COURT: All right. Thank you, Ms. Patterson.

23 MS. PATTERSON: Yes, Your Honor.

24 THE COURT: Mr. Battle, if you would introduce your
25 team as well.

1 MR. BATTLE: I am Timothy Battle. And seated to my
2 right is Linda Howard. And to her right is Rick Rinaldo, who
3 you have heard is from Pittsburgh, Pennsylvania, who will be
4 speaking today as lead counsel.

5 THE COURT: All right, thank you.

6 Ms. Patterson and her team are from the law firm of
7 Jones Day, it's a large law firm, but they come from the
8 Washington, D.C. office.

9 Mr. Battle is a sole practitioner here in Alexandria,
10 Virginia and has over the years been a member of a couple of
11 different firms, but presently on your own; is that correct,
12 Mr. Battle?

13 MR. BATTLE: Yes, sir.

14 THE COURT: And Mr. Rinaldo is with the law firm of
15 Williams Coulson, it's located in Pittsburgh, Pennsylvania, and
16 is here as lead counsel in the case today.

17 Have any members of the jury panel had dealings with
18 any of the counsel that have now been introduced, either
19 personally or as business?

20 And how about the Jones Day law firm, anyone had any
21 business or personal dealings with the firm? All right.

22 And do any of you have -- have you had any dealings
23 personally or through the firm of Mr. Battle? How about Mr.
24 Rinaldo or his law firm? All right.

25 Do any of you know or recognize Sarah Roe? Or Linda

1 Howard? All right.

2 When I ask a question, I'll assume that the answer is
3 no so I don't make you all tired of shaking your heads back and
4 forth. But if you're going to answer yes to a question, then
5 if you would stand up and tell us your name so that we can be
6 reminded before you answer, that would be very helpful. And if
7 you recall your juror number, that also is helpful.

8 Ms. Patterson, why don't you identify the witnesses
9 that you expect to testify in the plaintiff's case. Go ahead.

10 MS. PATTERSON: Absolutely Your Honor. We expect to
11 call Mr. Michael Meszaros, Florence Burke, a witness by the
12 pseudonym Jane Doe, and then our client, Ms. Sarah Roe.

13 THE COURT: All right, thank you.

14 Do any of you recognize any of the names that Ms.
15 Patterson has just referenced?

16 Mr. Rinaldo, do you want to identify any witnesses at
17 this time, sir?

18 MR. RINALDO: Yes, Your Honor, I can. Mrs. Howard
19 will be calling, of course, Mrs. Howard. And we will also be
20 calling Sarah Roe.

21 THE COURT: All right. And again, I've already asked
22 you, but you don't recognize Ms. Roe or Mrs. Howard; is that
23 correct? All right.

24 The case I believe will go until the end of the week.
25 And we're all very busy and all want to sit on a jury, but not

1 today. So as a result, there is only a few circumstances under
2 which I excuse jurors from participating in a trial because of
3 a conflict. They would include single parents who have no
4 child care available, sole practitioners whose shops are closed
5 if they are not here, medical appointments that are coming up
6 this week that can't be rescheduled, a preplanned vacation that
7 is paid for that can't be rescheduled.

8 So with that narrowing of reasons, is there anyone
9 who cannot sit as a juror here between now and the end of the
10 week because of a conflict that is outside of the ones I have
11 just discussed? All right.

12 I'm going to ask you a series of questions now, it's
13 called voir dire or voir dire, kind of depending upon what TV
14 show you may have watched, but it's a series of questions which
15 will take us through a number of areas that are perhaps
16 relevant to this case. And counsel will be trying to select
17 what they think is the best jury for this case, and these
18 questions will help them be able to do so. And it also will
19 identify other matters which are important.

20 It's not by any means an empirical type of science
21 that you may have heard it is considered, but it is helpful in
22 trying to narrow the type of juror that would best serve in
23 this case.

24 So have any of you acquired any information about
25 this case from any source?

1 Do any of you have any interest in the trial or the
2 outcome of the case?

3 Do any of you have already any feeling of sympathy
4 toward either party that may affect your ability to be fair to
5 both sides?

6 Do any of you have a problem seeing or hearing that
7 may prevent you from understanding the testimony or observing
8 the evidence?

9 Is there anyone here on the jury that has any other
10 disability that would make it difficult to serve on a jury here
11 for the week?

12 Do any of you have difficulty understanding the
13 English language?

14 Have any of you served as jurors in a criminal or a
15 civil case or as a member of a grand jury in either federal or
16 state court. I will go to the far side. Anyone on the left
17 side?

18 Yes, sir.

19 JUROR WILLMORE: City court of Alexandria, and in the
20 District of Columbia city court.

21 THE COURT: All right, your last name, sir.

22 JUROR WILLMORE: Willmore.

23 THE COURT: Willmore?

24 JUROR WILLMORE: Yes.

25 THE COURT: Mr. Willmore, how long ago was the case

1 in Alexandria?

2 JUROR WILLMORE: Probably three or four years ago.

3 THE COURT: And was it a civil or criminal case?

4 JUROR WILLMORE: Criminal case.

5 THE COURT: All right. Was the jury able to reach a
6 verdict in the case?

7 JUROR WILLMORE: Yes, we did.

8 THE COURT: All right. How about the District of
9 Columbia?

10 JUROR WILLMORE: It was 15, 20 years ago.

11 THE COURT: All right. Do you remember whether it
12 was a civil or criminal case?

13 JUROR WILLMORE: Criminal.

14 THE COURT: Criminal case?

15 JUROR WILLMORE: Yes.

16 THE COURT: Was the jury able to reach a verdict in
17 that case?

18 JUROR WILLMORE: Yes, we did.

19 THE COURT: Any reason why those experiences would
20 make it difficult for you to be fair and impartial here today?

21 JUROR WILLMORE: No.

22 THE COURT: All right. Thank you, Mr. Willmore.

23 Anyone else on the far side? All right.

24 All right, the middle, Mr. Melvin.

25 JUROR MELVIN: I served on a case probably 15 years

1 ago or so, it was before I was even 20 years old.

2 THE COURT: All right. And where did that take
3 place?

4 JUROR MELVIN: It was in New Jersey.

5 THE COURT: And was it a criminal or civil case?

6 JUROR MELVIN: Civil case.

7 THE COURT: And was the jury able to reach a verdict
8 in the case?

9 JUROR MELVIN: Yes.

10 THE COURT: All right. Any reason why that
11 experience would make it difficult for you to be fair and
12 impartial here?

13 JUROR MELVIN: No.

14 THE COURT: Thank you, Mr. Melvin.

15 Anyone else? Yes, sir, in the front.

16 JUROR REYNOLDS: Brian Reynolds, number 33.

17 THE COURT: All right. Yes, Mr. Reynolds.

18 JUROR REYNOLDS: I served on a case in New Jersey
19 about 30 years ago, criminal case.

20 THE COURT: All right. And was the jury able to
21 reach a verdict?

22 JUROR REYNOLDS: They did not.

23 THE COURT: They did not?

24 JUROR REYNOLDS: No.

25 THE COURT: Okay. And any reason why that experience

1 would make it difficult for you to be fair and impartial here
2 today?

3 JUROR REYNOLDS: No, sir.

4 THE COURT: All right. Thank you, Mr. Reynolds.
5 Yes, ma'am.

6 JUROR DODGE: Angela Dodge. Prince William County,
7 criminal case.

8 THE COURT: And what kind of case was it, civil or
9 criminal?

10 JUROR DODGE: Criminal.

11 THE COURT: Ms. Dodge, was the jury able to reach a
12 verdict in the case?

13 JUROR DODGE: Yes.

14 THE COURT: All right. And any reason why you
15 couldn't be fair and impartial in this case based on that
16 experience?

17 JUROR DODGE: No.

18 THE COURT: All right. And any reason why you
19 couldn't be fair and impartial in this case based on that
20 experience.

21 JUROR DODGE: No.

22 THE COURT: All right. Thank you, Ms. Dodge.
23 Anyone else in the middle? Yes, ma'am.

24 JUROR SHANNON: I served on two, one was in
25 Louisville, Kentucky in 1980, and it was criminal. And it

1 settled out of court.

2 And then the second one was three years ago in
3 Alexandria, drunk driving. And he was not found guilty of
4 being drunk.

5 THE COURT: You were able to reach a verdict in that
6 case?

7 JUROR SHANNON: Yes.

8 THE COURT: Tell me your name.

9 JUROR SHANNON: Mary Angela Shannon.

10 THE COURT: All right. Ms. Shannon, any reason why
11 those experiences would make it difficult to serve here in this
12 case?

13 JUROR SHANNON: No.

14 THE COURT: Thank you, Ms. Shannon.

15 Anybody else?

16 JUROR KOBYLINSKI: Actually I wanted to clarify, I
17 thought you said federal court.

18 THE COURT: No, state or federal.

19 JUROR KOBYLINSKI: Okay. Local both times. I served
20 in Loudoun County, and then once in Prince William County.

21 THE COURT: Okay. And you're Ms. Kobylinski?

22 JUROR KOBYLINSKI: Kristy Kobylinski.

23 THE COURT: And how long ago were those cases?

24 JUROR KOBYLINSKI: The one in Loudoun County was
25 probably eight to ten years ago. And the other one was

1 probably 15 years ago.

2 THE COURT: Okay. Were they criminal or civil cases?

3 JUROR KOBYLINSKI: One was criminal, and we reached a
4 verdict, it was guilty. The other one was, it was civil, and
5 it settled out of court.

6 THE COURT: All right. And any reason why those
7 experiences would make it difficult for you to be fair and
8 impartial here today?

9 JUROR KOBYLINSKI: No.

10 THE COURT: All right. Thank you, Mr. Kobylinski.
11 Anybody else? Have any of you served as an expert
12 witness for any party in a lawsuit?

13 Yes, sir.

14 JUROR BAKER: Yes. I worked for Milbank Gogenham in
15 New York.

16 THE COURT: And your last name, sir?

17 JUROR BAKER: Baker.

18 THE COURT: And in what capacity did you serve as an
19 expert?

20 JUROR BAKER: Technical expert, helping establish a
21 case, lay out the argument.

22 THE COURT: So you worked for the law firm in doing
23 that, and did you actually ever testify?

24 JUROR BAKER: No, I did not.

25 THE COURT: Okay. You did that on one occasion? How

1 long ago was that?

2 JUROR BAKER: Ten years ago.

3 THE COURT: All right. And anything about that
4 experience that would make it difficult for you to be fair and
5 impartial here today?

6 JUROR BAKER: No.

7 THE COURT: All right. Thank you, Mr. Buker. Is it
8 Buker, right?

9 JUROR BAKER: Baker.

10 THE COURT: Oh, number 2, Mr. Baker. I'm sorry. All
11 right.

12 Do any of you have any legal training, either a law
13 degree, or paralegal degree, have you worked in that capacity
14 in the past?

15 And let's go to the far side. Anybody on the far
16 side? All right.

17 How about in the middle? Yes, sir.

18 JUROR HALLMAN: Yes, Brad Hallman, juror 18. I am a
19 licensed attorney.

20 THE COURT: You are a licensed attorney, Mr. Hallman,
21 right?

22 JUROR HALLMAN: Yes, sir.

23 THE COURT: All right. And do you practice?

24 JUROR HALLMAN: I do not practice. I am a federal
25 consultant.

1 THE COURT: All right. What area are you a
2 consultant in, sir?

3 JUROR HALLMAN: Normally with HHS, Department of
4 Health and Human Services.

5 THE COURT: Okay. Have you practiced in the past?

6 JUROR HALLMAN: I have practiced in the past, a
7 little bit, yes.

8 THE COURT: Was that civil or criminal litigation?

9 JUROR HALLMAN: Civil mainly.

10 THE COURT: Were you involved as a trial lawyer?

11 JUROR HALLMAN: Trial preparation.

12 THE COURT: Okay. Was that for a firm?

13 JUROR HALLMAN: It was in support of a firm. I was
14 contracted by a firm.

15 THE COURT: And do you believe any of your
16 experiences in practicing law would make it difficult for you
17 to follow the instructions that I give you here or make it
18 difficult for you to be fair and impartial here?

19 JUROR HALLMAN: No, I think I could follow the
20 instructions.

21 THE COURT: All right.

22 JUROR HALLMAN: I did want to say, thinking back to
23 one of your other questions as far as being sympathetic, I have
24 had friends who have been stationed abroad. And I have been
25 thinking about that, I am little concerned that those

1 friendships might make me a little more sympathetic to one side
2 over the other. But I just wanted to mention that.

3 THE COURT: All right, thank you. I have got some
4 other questions down the pike which may occasion you to stand
5 up and speak again as well.

6 Have any of you participated in a lawsuit as either a
7 party or as a witness, you or an immediate family member or
8 close friend?

9 Yes, ma'am.

10 JUROR LEONARD: I brought suit against an automotive
11 company.

12 THE COURT: A lawsuit against -- you are Ms. Leonard?

13 JUROR LEONARD: Yes, sir.

14 THE COURT: A lawsuit again an automotive deal --

15 JUROR LEONARD: Automotive company.

16 THE COURT: And were the plaintiff in the case?

17 JUROR LEONARD: Yes.

18 THE COURT: And how long ago was that, Ms. Leonard?

19 JUROR LEONARD: Oh, goodness. Eight years ago,
20 approximately.

21 THE COURT: All right. And was that here or
22 somewhere else?

23 JUROR LEONARD: It was not in Alexandria, but it was
24 local, yes. It was heard in D.C.

25 THE COURT: All right. And anything about that

1 experience make it difficult for you to be fair and impartial
2 here today?

3 JUROR LEONARD: I don't think so.

4 THE COURT: All right. Thank you, Ms. Leonard.
5 Yes, ma'am.

6 MS. ALLEN: I'm not sure if this counts or not, but
7 we recently went to mediation, but we never actually went to
8 court.

9 So Kathleen Allen, juror 1.

10 THE COURT: I apologize, your last name?

11 MR. ALLEN: Kathleen Allen.

12 THE COURT: Yes, Ms. Allen. So you had a dispute, it
13 didn't go to court, but it was resolved in mediation?

14 JUROR ALLEN: Correct.

15 THE COURT: And anything about that experience which
16 would make it difficult for you to be fair and impartial here?

17 JUROR ALLEN: No.

18 THE COURT: Thank you, Ms. Allen. Was that a civil
19 dispute?

20 JUROR ALLEN: It was an estate issue. So civil, I
21 think.

22 THE COURT: Okay. Thank you, Ms. Allen.

23 Someone else raised -- yes, sir.

24 JUROR WILLMORE: Chris Willmore. I am a high school
25 principal, and at times teenagers make some bad decisions, and

1 my name goes on it as a case against them for certain cases.

2 THE COURT: So you are the named plaintiff?

3 JUROR WILLMORE: I am the name on it. Occasionally I
4 show up in court.

5 THE COURT: Well, having a couple kids that are
6 passing through high schools, my sympathies are with you, Mr.
7 Willmore. So do you actually wind up having to testify in
8 court?

9 JUROR WILLMORE: Occasionally, yes.

10 THE COURT: In juvenile proceedings usually?

11 JUROR WILLMORE: Yes. It is usually family juvenile
12 court in Arlington.

13 THE COURT: All right. And anything about that
14 experience or experiences which would make it difficult for you
15 to be fair and impartial here?

16 JUROR WILLMORE: No.

17 THE COURT: All right. Thank you, Mr. Willmore.
18 Yes, sir, in the back.

19 JUROR BROWNLOW: 4, Brownlow. I was named in a suit
20 involving inheritance, but I didn't have to go to court, but it
21 would probably come up in a search.

22 THE COURT: Okay. I apologize, you are Mr. Brownlow?

23 JUROR BROWNLOW: Yes.

24 THE COURT: You were named in --

25 JUROR BROWNLOW: In a suit involving inheritance.

1 THE COURT: Involving what?

2 JUROR BROWNLOW: Inheritance.

3 THE COURT: Oh, an inheritance. And was it resolved?

4 Did you actually have to go to court in the case?

5 JUROR BROWNLOW: It was somehow resolved, we didn't
6 go to court.

7 THE COURT: All right. And how long ago was that,
8 Mr. Brownlow?

9 JUROR BROWNLOW: It was 2002, I believe.

10 THE COURT: All right. And anything about that
11 experience which would make it difficult for you to be fair and
12 impartial here?

13 JUROR BROWNLOW: No.

14 THE COURT: All right. Thank you, Mr. Brownlow.

15 Anybody else?

16 Are any of you members of any tort reform
17 organization or civil justice advocacy group?

18 Have you or any member of your immediate family or
19 close personal friend either served in the military or as a law
20 enforcement officer?

21 Ms. Leonard.

22 JUROR LEONARD: My husband is a Sergeant with the
23 Loudoun County Sheriff's Office.

24 THE COURT: All right. And he's in the Sheriff's
25 Office?

1 JUROR LEONARD: Yes, sir, Loudoun County Sheriff's
2 Office, not police department.

3 THE COURT: And how long has he been doing that?

4 JUROR LEONARD: He has been with Loudoun County for
5 six years. He was formerly with Manassas City prior to that
6 for six years prior. So he has been in law enforcement for
7 12 years.

8 THE COURT: All right. Any reason why your
9 communications with him would make it difficult for you to be
10 fair and impartial in this civil case?

11 JUROR LEONARD: I am not sure that his job would, but
12 I think might sway me in one direction versus another.

13 THE COURT: And what's your occupation, Ms. Leonard?

14 JUROR LEONARD: I work as a school counselor. And
15 much like one of the other jurors have experience in court with
16 children, and actually had a situation this past year with a
17 student who was involved in potential sex trafficking.

18 THE COURT: All right. And do you think that that
19 would make it difficult for you to be fair and impartial here
20 today?

21 JUROR LEONARD: Yeah, it would.

22 THE COURT: Thank you, Ms. Leonard.

23 Yes, ma'am.

24 JUROR DWYER: Bridget Dwyer, juror number 13. My mom
25 served in the Air Force.

1 THE COURT: All right. And you are a teacher now?

2 JUROR DWYER: Yes.

3 THE COURT: And how long ago were you in the Air
4 Force?

5 JUROR DWYER: My mom.

6 THE COURT: Oh, your mom was in the Air Force. I
7 didn't think you were old enough to have been in the Air Force
8 and become a teacher. Was she career Air Force?

9 JUROR DWYER: Yes.

10 THE COURT: All right. So you traveled the world
11 while you were growing up?

12 JUROR DWYER: Yes.

13 THE COURT: And what countries did that bring you to?

14 JUROR DWYER: Germany, Spain, and that's it.

15 THE COURT: All right. And do you believe that there
16 is any reason why it would be difficult to serve as a juror in
17 this case based on your experiences or her experiences
18 communicated to you?

19 JUROR DWYER: No.

20 THE COURT: Thank you, Ms. Dwyer.

21 Yes, sir.

22 JUROR DALLSTREAM: Sam Dallstream, number 9. My wife
23 was active duty military MP. I was active duty military and
24 then Reserve, and I am not retired, ordnance.

25 THE COURT: And which service?

1 JUROR DALLSTREAM: Army.

2 THE COURT: All right. And did you serve around the
3 world as well?

4 JUROR DALLSTREAM: Germany.

5 THE COURT: Germany. All right. Anything about that
6 experience which would make it difficult for you to be fair and
7 impartial here today?

8 JUROR DALLSTREAM: No.

9 THE COURT: All right, thank you.

10 Yes, the third row, gentleman on the far side.

11 JUROR RENER: Doug Rener, juror number 32.

12 THE COURT: All right.

13 JUROR RENER: I served four years with the U.S. Air
14 Force.

15 THE COURT: And where did you do your service, Mr.
16 Rener?

17 JUROR RENER: Over in the U.K.

18 THE COURT: I'm sorry, Germany and U.K.?

19 JUROR RENER: U.K. But I have also been to Germany,
20 Luxemburg, France.

21 THE COURT: Any reason why your service would make it
22 difficult for you to be fair and impartial here today?

23 JUROR RENER: No.

24 THE COURT: All right. Thank you, Mr. Rener.
25 Yes.

1 JUROR ALLEN: I am juror number 1, Kathleen Allen.
2 My husband is a Fairfax County police officer. Actually, he
3 just retired after 28 years last year, but is still employed by
4 the police department, he works in the courts.

5 THE COURT: All right. And was he -- what types of
6 positions did he hold in the police department?

7 JUROR ALLEN: Besides working on the street, he
8 served -- he was on a bicycle team. And he worked in auto
9 theft. But for the bulk of his career, for the last probably
10 15 years, he worked in the fugitive division.

11 THE COURT: All right. And any reason why his work
12 that he has communicated to you would make it difficult for you
13 to be fair and impartial in this case, Ms. Allen?

14 JUROR ALLEN: I think potentially.

15 THE COURT: Well, would you be willing to follow my
16 legal instructions and consider the evidence and decide this
17 case based only on those instructions that I give you and the
18 evidence you hear from the witness stand?

19 JUROR ALLEN: Yes.

20 THE COURT: All right. Thank you, Ms. Allen.

21 Anybody else? Yes, sir.

22 JUROR HUANG: Juror number 22. My younger brother is
23 active in the U.S. Army in Europe.

24 THE COURT: All right. Mr. Huang, I lost you for a
25 second there. You served --

1 JUROR HUANG: My younger brother.

2 THE COURT: Your younger brother?

3 JUROR HUANG: U.S. Army.

4 THE COURT: U.S. Army. And is he still in the
5 service?

6 JUROR HUANG: Yes.

7 THE COURT: And where is he?

8 JUROR HUANG: Somewhere in Europe right now. I have
9 no idea where.

10 THE COURT: All right. Anything about his experience
11 which would make it difficult for you to be fair and impartial
12 in this case?

13 JUROR HUANG: No, sir.

14 THE COURT: All right. Thank you, Mr. Huang.
15 Yes, ma'am.

16 JUROR MASON: Mason, juror number 26. My son is in
17 the military, he is in Germany right now.

18 THE COURT: In Germany right now?

19 JUROR MASON: Yes.

20 THE COURT: What branch of service?

21 JUROR MASON: Army.

22 THE COURT: All right. Anything that he has related
23 to you that would make it difficult for you to be fair and
24 impartial in this case?

25 JUROR MASON: No.

1 THE COURT: Thank you, Ms. Mason.

2 Anybody else on the far side? Yes, sir.

3 JUROR BROWNLOW: Juror number 4, Jason Brownlow. I
4 had a parent who was in the Army and the Reserves.

5 THE COURT: All right. And did you travel with them
6 around any parts of the world?

7 JUROR BROWNLOW: No, there was no travel.

8 THE COURT: Any reason why that would make it
9 difficult for you to be fair and impartial in this case, Mr.
10 Brownlow?

11 MR. BROWNLOW: No.

12 THE COURT: Thank you. All right, in the middle.
13 Yes, ma'am, on the left side.

14 JUROR BUKER: Mercy Buker. I forget my juror number.
15 Sorry.

16 THE COURT: That's all right.

17 JUROR BUKER: My husband is retired, Master Deputy
18 Sheriff in the Alexandria jail. And I have a son-in-law who
19 worked for FBI, human trafficking, and also now he works for
20 ICE.

21 THE COURT: Your son-in-law?

22 JUROR BUKER: Son-in-law.

23 THE COURT: Son-in-law worked for --

24 JUROR BUKER: He used to work for the FBI, human
25 trafficking, and now he's ICE.

1 THE COURT: What kind of position does he have? What
2 does he --

3 JUROR BUKER: I don't know.

4 THE COURT: All right. And tell me your last name
5 again.

6 JUROR BUKER: Buker, B-u-k-e-r.

7 THE COURT: All right. Thank you, Ms. Buker. Any
8 reason why anything that they have shared with you would make
9 it difficult for you to be fair and impartial in this case?

10 JUROR BUKER: I would try to be as impartial as I
11 possibly could.

12 THE COURT: Well, you have to agree that you will put
13 aside any biases or prejudice for or against anybody and decide
14 the case just based on the evidence that you hear and the law
15 that I give you.

16 JUROR BUKER: Right. That's the job, right?

17 THE COURT: That's your job. It's not an easy one,
18 but it --

19 JUROR BUKER: No --

20 THE COURT: But that's what we require of each of our
21 jurors. Can you do that?

22 JUROR BUKER: I think I can.

23 THE COURT: All right. Thank you, Ms. Buker.

24 Yes, ma'am, Ms. Dodge.

25 JUROR DODGE: Yes, my stepson, he is in the Army,

1 stationed in Okinawa, Japan.

2 THE COURT: In Japan?

3 JUROR DODGE: Yes.

4 THE COURT: And he is in the Army?

5 JUROR DODGE: Yes.

6 THE COURT: Any reason why that would make it
7 difficult for you to be fair and impartial in this case?

8 JUROR DODGE: No.

9 THE COURT: Thank you, Ms. Dodge.

10 Yes, ma'am.

11 JUROR GUMBEL: Gumbel, number 17. So my dad is
12 retired Air Force and he now works at the Pentagon through the
13 Navy.

14 And my stepsister does something with the Air Force
15 for the Reserves something.

16 THE COURT: All right. And I'm sorry, what does your
17 dad do at the Pentagon now?

18 JUROR GUMBEL: I don't know what he does. He works
19 through the Navy. It's classified. I don't know what he does.

20 THE COURT: Okay. Any reason why the experiences
21 that they have shared with you would make it difficult for you
22 to fair and impartial in this case, Ms. Gumbel?

23 JUROR GUMBEL: No.

24 THE COURT: All right. Thank you.

25 Yes, ma'am, in the first row.

1 JUROR DAVIS: Shannon Davis, juror 10. My father is
2 a Vietnam era veteran from the U.S. Army.

3 THE COURT: All right. Any reason why that would
4 make it difficult for you to be fair and impartial here?

5 JUROR DAVIS: No, sir.

6 THE COURT: Thank you, Ms. Davis.

7 Yes.

8 JUROR SUBLETT: Henry Sublett, juror number 37, Your
9 Honor.

10 THE COURT: Yes, sir.

11 JUROR SUBLETT: I served 28 years on active duty,
12 Reserve and Guard in the United States Air Force.

13 THE COURT: In the Air Force?

14 JUROR SUBLETT: Yes, sir.

15 THE COURT: All right. And did that -- did you serve
16 overseas at all?

17 JUROR SUBLETT: Yes, sir, I did.

18 THE COURT: And where did you serve overseas?

19 JUROR SUBLETT: Primarily in the Republic of Korea,
20 South Korea.

21 THE COURT: And any reason why your service would
22 make it difficult for you to be fair and impartial here?

23 JUROR SUBLETT: No, sir.

24 THE COURT: Thank you, Mr. Sublett.

25 Yes, sir. Okay, I will get you next.

1 JUROR REYNOLDS: Brian Reynolds number 33.

2 THE COURT: Yes, sir, Mr. Reynolds.

3 JUROR REYNOLDS: I have a father who once a Marine,
4 always a Marine. He served in Korea. And I have a brother who
5 served in the Air Force.

6 THE COURT: All right. And anything about their
7 experiences which would make it difficult for you to be fair
8 and impartial?

9 JUROR REYNOLDS: No, sir.

10 THE COURT: Thank you, Mr. Reynolds.

11 Yes, sir, now.

12 JUROR BRUSSEAU: Brusseau, juror 5. My dad was in
13 the Coast Guard.

14 THE COURT: In the Coast Guard?

15 JUROR BRUSSEAU: Yes, sir.

16 THE COURT: Did he serve overseas?

17 JUROR BRUSSEAU: Yes.

18 THE COURT: And did you go with him overseas at all?

19 JUROR BRUSSEAU: Yes.

20 THE COURT: And where did he serve overseas?

21 JUROR BRUSSEAU: Japan and then Singapore?

22 THE COURT: Singapore?

23 JUROR BRUSSEAU: Yes.

24 THE COURT: All right. And anything about those
25 experiences which would make it difficult for you to be fair

1 and impartial, Mr. Brusseau?

2 JUROR BRUSSEAU: No, sir.

3 THE COURT: Thank you. Yes, sir.

4 JUROR HOBBS: Brian Hobbs. I believe it's juror 18.

5 THE COURT: 19.

6 JUROR HOBBS: 19. My step-grandfather was a Marine
7 and served in Korea.

8 THE COURT: In Korea. And anything about anything he
9 shared with you that would make it difficult for you to be fair
10 and impartial here, Mr. Hobbs?

11 JUROR HOBBS: No.

12 THE COURT: Thank you. Anybody else?

13 COURT SECURITY OFFICER: One in the back, Judge.

14 THE COURT: Yes, Ms. Allen.

15 JUROR ALLEN: I am sorry, I felt that I left some
16 things out. In addition to my husband being a police officer,
17 I also have a brother-in-law who is with the Pennsylvania State
18 Police. And I have a nephew who works for the FBI. And
19 another nephew who is in the Navy.

20 THE COURT: All right. And are those people that you
21 regularly communicate with?

22 JUROR ALLEN: Yes.

23 THE COURT: All right. And any reason why any of
24 that information would make it difficult for you to be fair and
25 impartial in this case?

1 JUROR ALLEN: No.

2 THE COURT: Thank you, Ms. Allen.

3 Yes, sir.

4 JUROR THOMASSON: James Thomasson. My mother and
5 father-in-law were active duty Air Force.

6 THE COURT: Okay. And tell me your name again.

7 JUROR THOMASSON: James Thomasson, juror 39.

8 THE COURT: Mr. Thomasson, all right. Any reason why
9 that would make it difficult for you to be fair and impartial
10 in this case, sir?

11 JUROR THOMASSON: No, sir.

12 THE COURT: Thank you, Mr. Thomasson.

13 Yes, ma'am.

14 JUROR WHITAKER: Erin Whitaker, juror 41. I thought
15 the question was about immediately, but if we're getting into
16 extended family, uncles, grandparents that have been career
17 Navy, Army, Air Force. But I don't think that will make me in
18 any way lose my impartiality.

19 THE COURT: All right. Thank you, Ms. Whitaker.

20 JUROR KOBYLINSKI: Kristy Kobylinski, 24. My father
21 was also a Vietnam veteran before I was born, but I have never
22 traveled --

23 THE COURT: Internationally with him, obviously.
24 Okay.

25 JUROR KOBYLINSKI: So that wouldn't affect my

1 impartiality.

2 THE COURT: All right. Any reason why that would
3 make it difficult for you to be fair and impartial here?

4 JUROR KOBYLINSKI: No, sir.

5 THE COURT: All right. Thank you, Ms. Kobylinski.

6 I have asked you about law enforcement service and
7 military service. Let me ask you now about whether any of you
8 or members of your immediate family are close personal friends
9 of either -- another multiple choice. Been employed by the
10 State Department, or been a member of the foreign service, or
11 the Department of Homeland Security.

12 And let's start again over here. Mr. Brownlow.

13 JUROR LEONARD: Leonard, juror number 25. My
14 grandfather on my mother's side was in the foreign service.

15 THE COURT: Was in the foreign service?

16 JUROR LEONARD: Yes, sir.

17 THE COURT: And did you get any feedback about that
18 service?

19 JUROR LEONARD: Through stories told.

20 THE COURT: All right. Where did he serve?

21 JUROR LEONARD: Australia, Turkey, Germany, those are
22 the ones I remember.

23 THE COURT: Okay. And anything about those
24 recountings that would make it difficult for you to be fair and
25 impartial here?

1 JUROR LEONARD: No. I don't think so.

2 THE COURT: All right. Thank you, Ms. Leonard.

3 Ms. Mason.

4 JUROR MASON: My father-in-law was with the State
5 Department, CIA, and the foreign service?

6 THE COURT: Who was?

7 JUROR MASON: My father-in-law.

8 THE COURT: Your father-in-law?

9 JUROR MASON: Yes.

10 THE COURT: And where was he stationed?

11 JUROR MASON: He was stationed in Ethiopia, he was
12 stationed in Denmark, and I am not sure where else.

13 THE COURT: All right. Now, this case, as we have
14 said, Ms. Roe is of Ethiopian nationality. Anything that your
15 father-in-law expressed to you that would make it difficult for
16 you to fair and impartial in this case?

17 JUROR MASON: No.

18 THE COURT: All right. Thank you, Ms. Mason.

19 All right, anybody else on the far side? Yes, sir.

20 JUROR BAKER: Yes, sir. Karl Baker, number 2.

21 THE COURT: Right.

22 JUROR BAKER: I guess I should have mentioned this
23 last time, I didn't think about it as a law enforcement thing.
24 But I worked on a computer system for DHS and FBI for two
25 years.

1 THE COURT: For two years?

2 JUROR BAKER: Yeah.

3 THE COURT: And is that here in the Washington
4 metropolitan area? Do you actually work inside either of those
5 locations or --

6 JUROR BAKER: It was inside the FBI data center.

7 THE COURT: All right. And would that experience in
8 your working for those agencies make it difficult for you to be
9 fair and impartial here today?

10 JUROR BAKER: It would not.

11 THE COURT: All right. Thank you, Mr. Baker.

12 Yes, Mr. Brownlow.

13 JUROR BROWNLOW: Yes, sir, number 4. My sister is
14 foreign service for probably 15 years. And through her I know
15 probably ten other people who are foreign service.

16 THE COURT: Okay. And where has she served?

17 JUROR BROWNLOW: Mexico, Central America, U.K.,
18 Albania, D.C.

19 THE COURT: All right. And anything about her
20 experience or the others that you've met which make it
21 difficult for you to be fair and impartial in this case?

22 JUROR BROWNLOW: No.

23 THE COURT: Thank you, Mr. Brownlow.

24 Anybody else on the far side?

25 All right in the middle. Yes, sir. Well, stand up,

1 somebody.

2 JUROR HALLMAN: Brad Hallman, juror number 18. My
3 wife is an ethics attorney at TSA. And myself during law
4 school had an internship at Homeland Security at headquarters.
5 And I then two friends who we went and visited while they were
6 in the foreign service stationed at the U.S. Embassy in
7 Brussels.

8 THE COURT: And your wife is an ethics --

9 JUROR HALLMAN: Ethics attorney at TSA,
10 Transportation Security Administration.

11 THE COURT: Oh, TSA.

12 JUROR HALLMAN: Yes, yes.

13 THE COURT: I was hoping it was GSA. They're
14 responsible for this mess that you see around the building. I
15 was going to take a recess and speak with you.

16 JUROR HALLMAN: Sorry.

17 THE COURT: Any reason why anything about their
18 careers would make it difficult for you to be fair and
19 impartial in this case?

20 JUROR HALLMAN: Well, while we were visiting our
21 friends who were stationed in Brussels, I recall speaking to
22 them about the process through which they had to go through
23 training and stuff. So I would be a little worried about being
24 more bias about that side of the case.

25 THE COURT: Well, we all have training in different

1 disciplines. Is there any reason why you wouldn't be able to
2 put aside any of that information and decide a case just based
3 on the facts that you hear in the courtroom and the law that I
4 give you?

5 JUROR HALLMAN: I suppose not.

6 THE COURT: Well, you have got the legal training.
7 You understand what your requirements are, right, sir?

8 JUROR HALLMAN: Yes.

9 THE COURT: All right. And you would be able to do
10 that?

11 JUROR HALLMAN: I think I could.

12 THE COURT: All right. Thank you, Mr. Hallman.

13 Yes, sir.

14 JUROR BRUSSEAU: Brusseau, 5.

15 THE COURT: Right.

16 JUROR BRUSSEAU: One of my high school buddies works
17 at DEA.

18 THE COURT: All right. And any reason why that would
19 make it difficult for you to be fair and impartial here, Mr.
20 Brusseau?

21 JUROR BRUSSEAU: No, sir.

22 THE COURT: Thank you. Yes, ma'am.

23 JUROR DAVIS: Davis, number 10. My brother is a TSA
24 agent.

25 THE COURT: And what does he do for TSA?

1 JUROR DAVIS: Whatever they ask him to do, sir. He
2 has been at three different airports with both the face-to-face
3 with passengers coming through the airport as well as baggage
4 handling.

5 THE COURT: All right. So he would be dealing with
6 international arrivals and that type of information?

7 JUROR DAVIS: Yes, Your Honor.

8 THE COURT: Anything that he has shared with you that
9 would make it difficult for you to be fair and impartial in
10 this case?

11 JUROR DAVIS: No, sir.

12 THE COURT: All right. Thank you, Ms. Davis.

13 Yes, sir.

14 JUROR WOJCIK: My wife was a federal contractor for
15 the State Department, consular and visa affairs, for
16 approximately two years about two to three years ago.

17 THE COURT: All right. And your last name, sir?

18 JUROR WOJCIK: Wojcik, juror 43.

19 THE COURT: Mr. Wojcik, she stayed right here in the
20 Washington, D.C. area?

21 JUROR WOJCIK: Yes, she worked mostly at the
22 headquarters in D.C.

23 THE COURT: And anything that she shared with you
24 that would make it difficult for you to fair and impartial here
25 today?

1 JUROR WOJCIK: No, Your Honor.

2 THE COURT: Thank you, Mr. Wojcik.

3 Yes, ma'am.

4 JUROR PIANALTO: Pianalto, number 29. I served at
5 the State Department at our embassy in London in 1995 through
6 '97.

7 THE COURT: All right. What was your position there?

8 JUROR PIANALTO: It was senior advisor to the
9 Ambassador. And also have quite a few friends who are foreign
10 service officers as a result of that.

11 THE COURT: All right. So you lived in London during
12 that period of time?

13 JUROR PIANALTO: Yes.

14 THE COURT: And did you live in any other locations?

15 JUROR PIANALTO: No.

16 THE COURT: And anything about that experience or
17 your friends' experiences that were shared with you that would
18 make it difficult for you to be fair and impartial in this
19 case?

20 JUROR PIANALTO: I would have to say potentially,
21 yes.

22 THE COURT: Why would that be? I mean, you're tasked
23 with listening to the evidence here in the courtroom today,
24 making credibility determinations on witnesses based on their
25 testimony, and also following the law that I give you.

1 Would you be unable to set aside any prejudice or
2 bias one way or the other?

3 JUROR PIANALTO: No, I think I can set them aside.

4 THE COURT: All right. Thank you, Ms. Pianalto.

5 Yes, sir.

6 JUROR MATHALON: My father is a retired customs agent
7 and ICE agent. And I should have mentioned previously, he used
8 to be in law enforcement.

9 THE COURT: Okay.

10 JUROR MATHALON: What department of law enforcement,
11 I'm not sure.

12 THE COURT: Okay. So he presently works for ICE?

13 JUROR MATHALON: No, he's retired?

14 THE COURT: He is retired. And tell me your name.

15 JUROR MATHALON: Jordan, Jordan Mathalon, juror 27, I
16 believe.

17 THE COURT: All right. Mr. Jordan -- or Mr.
18 Mathalon.

19 JUROR MATHALON: Yes.

20 THE COURT: Okay. And what types of positions did he
21 have with Homeland Security?

22 JUROR MATHALON: So to the best of my knowledge, what
23 I heard, he used to do like jump teams, some of which dealt
24 with child labor, going to factories and making sure everything
25 was up to par.

1 THE COURT: All right. And anything that he shared
2 with you that would make it difficult for you to be fair and
3 impartial in this case?

4 JUROR MATHALON: I'll hear the facts. I will make my
5 judgment based on facts.

6 THE COURT: Well, you have to agree --

7 JUROR MATHALON: Yes, I will be impartial.

8 THE COURT: All right. Thank you, Mr. Mathalon.

9 Anybody else? Yes, ma'am.

10 JUROR ENGLISH: Terri English. My dad is a retired
11 CIA officer. And my sister currently works at the CIA.

12 THE COURT: All right. And did you travel around the
13 world with your father?

14 JUROR ENGLISH: No.

15 THE COURT: All right. And anything about the
16 experiences that those people have shared with you that would
17 make it difficult for you to be fair and impartial in this
18 case?

19 JUROR ENGLISH: No, sir.

20 THE COURT: Thank you, Ms. English.

21 I have another multiple part question, and it
22 involves potentially sensitive matters that you might not want
23 to share with other members who are here in the courtroom. So
24 if you answer yes to any of these questions, then I will have
25 you line up and we'll do a sidebar and we'll hear your answers

1 at the sidebar.

2 So the first part of the question is, have you or any
3 members of your immediate family or close personal friends ever
4 been the victim of a crime, a witness to a crime, or arrested,
5 or accused of, or convicted of a crime, including any form of
6 sexual assault?

7 The second part is, have you or members of your
8 immediate family or close personal friends ever been involved
9 in a sexual harassment claim?

10 The third part of the question is, have you or
11 members of your immediate family or close personal friends ever
12 owned or participated in a business that involved the adult sex
13 industry?

14 Fourth is, have you, members of your immediate
15 family, or close personal friends ever been accused of human
16 trafficking?

17 And fifth, have you, or an immediate family member,
18 or close friend ever been accused of something that they did
19 not do?

20 And sixth, have you or close family members or
21 personal friends ever employed live-in help?

22 And if you have a yes answer to any of those
23 questions, please come forward and Mr. Ruelas will direct you
24 back to us.

25 All right. If I could see counsel at sidebar,

1 please.

2 NOTE: A side-bar discussion is had between the Court
3 and counsel out of the hearing of the jury panel as follows:

4 AT SIDE BAR

5 COURT SECURITY OFFICER: Number 29.

6 THE COURT: Please come forward, Ms. Pianalto.

7 JUROR PIANALTO: One of my best friends brought a
8 suit against her employer for sexual harassment, it was here in
9 the city of Alexandria.

10 THE COURT: This year in the city?

11 JUROR PIANALTO: No. I said it was here in the city,
12 it was probably about 25 years ago.

13 THE COURT: All right. And was it resolved?

14 JUROR PIANALTO: It went to trial and she lost.

15 THE COURT: Okay. And any reason why that would make
16 it difficult for you to be fair and impartial in this case?

17 JUROR PIANALTO: No.

18 THE COURT: All right. Thank you, Ms. Pianalto.

19 COURT SECURITY OFFICER: Number 41.

20 THE COURT: Ms. Whitaker. Good morning.

21 JUROR WHITAKER: Good morning. I am number 41. My
22 mother and my cousin were both sexually assaulted. My mother's
23 perpetrator was in fact caught, but my cousin's was not
24 charged.

25 THE COURT: How long ago did these very unfortunate

1 incidents occur?

2 JUROR WHITAKER: My mother's abduction was '82 maybe.
3 And my cousin's assault was a few years ago, about three years
4 ago.

5 THE COURT: All right. And they were both sexually
6 assaulted?

7 JUROR WHITAKER: Yes.

8 THE COURT: And were they here in the United States
9 when that occurred?

10 JUROR WHITAKER: Yes.

11 THE COURT: And no one was charged in your cousin's?

12 JUROR WHITAKER: In my cousin's case. She named the
13 perpetrator, but they did not feel that they had sufficient
14 evidence to charge.

15 THE COURT: Okay. Anything about -- did you have to
16 testify as a witness in either case?

17 JUROR WHITAKER: No.

18 THE COURT: All right. Anything --

19 JUROR WHITAKER: I did, however, my mother did ask me
20 to read her victim impact statement when she went to his parole
21 hearing.

22 THE COURT: Okay. How long ago was that?

23 JUROR WHITAKER: I was in high school.

24 THE COURT: You were in high school. Anything about
25 those experiences which would make it difficult for you to be

1 fair and impartial in this case?

2 JUROR WHITAKER: I will do my duty and be fair and
3 impartial.

4 THE COURT: All right. Thank you, Ms. Whitaker.

5 COURT SECURITY OFFICER: Number 27.

6 THE COURT: Good morning again.

7 JUROR MATHALON: So someone very close to me, also I
8 used to date, was sexually assaulted. And I would be lying if
9 I said it didn't leave a bad emotion with me.

10 THE COURT: How long ago did it occur, Mr. Mathalon?

11 JUROR MATHALON: So I believe her assault at this
12 point was probably close to eight years ago. She never filed
13 anything, charges or anything like that. But she shared it
14 with me.

15 THE COURT: Okay. All right. You believe that would
16 make it difficult for you to be fair and impartial in this
17 case?

18 JUROR MATHALON: Honestly, yeah.

19 THE COURT: The circumstances were -- well, I'm not
20 going to ask you anything more. Thank you, Mr. Mathalon.

21 JUROR MATHALON: Thank you, Your Honor.

22 COURT SECURITY OFFICER: Number 26.

23 THE COURT: Hi, Ms. Mason.

24 JUROR MASON: My late husband had a very long
25 criminal history, drugs, stealing, all kinds of things. And my

1 in-laws did hire people overseas to work in their homes.

2 THE COURT: Okay. And what countries were they in,
3 if you recall?

4 JUROR MASON: They were in Ethiopia. They were in
5 Ghana. Several other places.

6 THE COURT: Did they she share personal experiences
7 about any live-ins or hiring people?

8 JUROR MASON: Hiring people, yes.

9 THE COURT: And would any of that information make it
10 difficult for you to be fair and impartial here?

11 JUROR MASON: I don't think so.

12 THE COURT: Did you have -- when your husband was
13 charged with these criminal offenses, was he prosecuted and
14 went to jail?

15 JUROR MASON: Yes.

16 THE COURT: And were you ever a witness in those
17 matters?

18 JUROR MASON: Yes. I was in lots of courtrooms like
19 this, unfortunately.

20 THE COURT: And did you think he was treated fairly
21 or not by the system?

22 JUROR MASON: Sometimes.

23 THE COURT: Sometimes?

24 JUROR MASON: Once you get caught in the system, you
25 are caught in the system.

1 THE COURT: Yeah. And it goes on for a very long
2 time, right?

3 JUROR MASON: Yes, it does.

4 THE COURT: Service of a sentence is only one part of
5 it.

6 JUROR MASON: Right.

7 THE COURT: How long ago was that?

8 JUROR MASON: He died -- well, let's see he died in
9 '14, so he died two years ago. He was incarcerated when he
10 died?

11 THE COURT: At the time he passed away?

12 JUROR MASON: Yes.

13 THE COURT: I am very sorry to hear that. Anything
14 about that experience, either of the experiences you have
15 related make it difficult for you to be fair and impartial in
16 this case?

17 JUROR MASON: I don't know.

18 THE COURT: All right. Well, your duty would be --

19 JUROR MASON: Yes.

20 THE COURT: -- kind of put aside any bias or
21 prejudice for or against anyone, just hear the evidence --

22 JUROR MASON: Right.

23 THE COURT: -- and decide it. The credibility of
24 witnesses is one of your jobs.

25 JUROR MASON: I understand.

1 THE COURT: And then I give you the law, and you
2 apply the law to the facts.

3 JUROR MASON: Yep.

4 THE COURT: Can you do that?

5 JUROR MASON: Yep.

6 THE COURT: All right. Thank you, Ms. Mason.

7 JUROR MASON: Thank you.

8 COURT SECURITY OFFICER: Number 2.

9 THE COURT: Good morning.

10 JUROR BAKER: Good morning. Juror number 2, Karl
11 Baker.

12 THE COURT: Yes, Mr. Baker, right.

13 JUROR BAKER: My son was accused of sexual assault at
14 the University of Virginia last year. And I think it's still
15 within the statute of limitations, but criminal charges were
16 not brought against him.

17 THE COURT: Just the university notified him of an
18 allegation and they pursued an investigation?

19 JUROR BAKER: They pursued an investigation, and he
20 was suspended for six months.

21 THE COURT: So he lost a semester of school?

22 JUROR BAKER: Yeah.

23 THE COURT: It's obviously an administrative matter,
24 an in-school type of a situation that they take those cases
25 through. Do you think that your son was treated fairly or not?

1 JUROR BAKER: No, absolutely not. Absolutely not.

2 THE COURT: Was law enforcement involved at all in
3 this?

4 JUROR BAKER: Not yet.

5 THE COURT: Okay.

6 JUROR BAKER: We don't know. She could potentially
7 bring criminal charges against him, but --

8 THE COURT: Yeah.

9 JUROR BAKER: Absolutely.

10 THE COURT: Okay. And so law enforcement hasn't been
11 involved yet. You don't know whether the statute has run or
12 not.

13 Do you believe that that would make it difficult for
14 you to be fair and impartial in this case?

15 JUROR BAKER: Maybe. Honestly, maybe.

16 THE COURT: Just because you believe it was a false
17 accusation and --

18 JUROR BAKER: Yeah.

19 THE COURT: It left doubt in your mind?

20 JUROR BAKER: Yeah, it's very emotional for me. It's
21 really hard to come up here and talk about it, to be honest
22 with you.

23 THE COURT: You are still living right in the middle
24 of it.

25 JUROR BAKER: Yeah, yeah.

1 THE COURT: Okay. All right. Thank you, Mr. Baker.

2 JUROR BAKER: Okay, thank you.

3 COURT SECURITY OFFICER: Number 39.

4 JUROR THOMASSON: James Thomasson, juror 39.

5 THE COURT: Yes, sir.

6 JUROR THOMASSON: Drinking in public and drunk in
7 public when I was in college back in 1988 and '89. And my
8 wife's car was broken into seven years ago.

9 THE COURT: All right. Any of those experiences make
10 it difficult for you to be fair and impartial in this case?

11 JUROR THOMASSON: No, sir.

12 THE COURT: Do you think everybody was -- you were
13 treated fairly?

14 JUROR THOMASSON: Yes.

15 THE COURT: All right. Youthful indiscretions.

16 JUROR THOMASSON: Yes. I had to tell you.

17 THE COURT: All right. Thank you, Mr. Thomasson.

18 JUROR THOMASSON: Okay.

19 COURT SECURITY OFFICER: Number 6.

20 THE COURT: Good morning again, Ms. Buker.

21 JUROR BUKER: I have a first cousin who was a music
22 teacher, and he was accused of sexual inappropriateness with a
23 student, and he pleaded out. So he took a plea deal.

24 THE COURT: He pled guilty to that offense?

25 JUROR BUKER: Yes, to avoid jail.

1 THE COURT: I am sorry, to avoid jail?

2 JUROR BUKER: To avoid jail.

3 THE COURT: And how long ago was this?

4 JUROR BUKER: Two years ago.

5 THE COURT: And locally here?

6 JUROR BUKER: Puerto Rico.

7 THE COURT: Oh, in Puerto Rico. And I take it from
8 the way you framed it, you don't think he was really treated
9 fairly?

10 JUROR BUKER: Not at all. Not in Puerto Rico.
11 Everything is such a mess over there.

12 THE COURT: All right. Do you believe that his
13 experience as you've heard it would make it difficult for you
14 to be fair and impartial in this case?

15 JUROR BUKER: I don't think so. I think I can do the
16 job.

17 THE COURT: All right. We went over that a few
18 minutes ago. I thank you for that.

19 JUROR BUKER: You're welcome.

20 COURT SECURITY OFFICER: Number 25.

21 THE COURT: Good morning again, Ms. Leonard.

22 JUROR LEONARD: Good morning. Just in the interests
23 of full disclosure, I have a good friend in high school, we
24 haven't talked in the last few years, but she was being
25 molested by her father. And I went through that experience

1 with her -- we were good friends until the end of college, and
2 then she moved away and went overseas, so we kind of lost touch
3 since then.

4 And again, in the interest of full disclosure,
5 between my job and my husband's job, I have a lot of
6 information about students who have been obviously involved in
7 sexual situations with family members or church members who
8 have performed sexual acts that were obviously illegal. And
9 then through my husband's position, things have come to him
10 criminally.

11 THE COURT: Yeah, so you're kind of getting both
12 sides of the aisle, aren't you? You are having accusations
13 that you have to evaluate, is that fair to say? And some are
14 found to be, if not true -- certainly there is foundation for
15 some of them and some of them there is no foundation for, is
16 that fair to say or not?

17 JUROR LEONARD: Agreed. Certainly in situations with
18 students that I work with at school, for sure. Some will come
19 in and then present information that is spot on with
20 appropriate accusations, and other times it is
21 attention-seeking behavior.

22 THE COURT: Right. So in this case you will be asked
23 to judge the credibility of two victims. And will you be able
24 to do that just based on the testimony that you hear here in
25 the courtroom and not bring any bias or prejudice one way or

1 the other?

2 JUROR LEONARD: I would do what you asked me to do.

3 THE COURT: Well, it's pretty straightforward.

4 JUROR LEONARD: You give the letter of the law, and
5 that's what I have to follow.

6 THE COURT: I give you the law.

7 JUROR LEONARD: I have heard that a lot in my house.

8 THE COURT: Yeah, I bet you do, yeah.

9 JUROR LEONARD: I would do what you asked me to do.

10 THE COURT: All right. Thank you, Ms. Leonard.

11 COURT SECURITY OFFICER: Number 11.

12 THE COURT: Yes, sir.

13 JUROR DIAZ: I have an immediate neighbor who was
14 actually convicted of human sex trafficking of younger women.

15 And I have another immediate neighbor who was also
16 two times charged.

17 And I witnessed the arrest of another man whose
18 crimes were sexual assault of a minor, two times.

19 THE COURT: Okay. And you need to move out of that
20 neighborhood.

21 Did you know either of these people?

22 JUROR DIAZ: We knew, since they were my immediate
23 neighbor, the one who had participated in sex trafficking, we
24 knew -- I personally knew his younger sister, we were in high
25 school together.

1 And I know the mother of the young man. My family
2 occasionally talks to her and checks up.

3 And as for the other one who had done the sexual
4 assault, we only know that he was our neighbor right across
5 from my house, but we have never spoken to him.

6 THE COURT: All right. So you knew that they were
7 charged. Do you know whether they were convicted of those
8 crimes?

9 JUROR DIAZ: The one, sex trafficking, I think --
10 what I do know is that he had to face prison time for
11 participating in the trafficking aspect of it. And for the
12 other, I'm not sure what the two outcomes were exactly.

13 THE COURT: All right. Well, would any of the
14 information that you learned about your neighbors make it
15 difficult for you to be fair and impartial in this case?

16 JUROR DIAZ: It does get me a little sympathetic
17 towards the victims of sexual assault and trafficking since I
18 have heard from both views, and it kind of gets me a little
19 biased towards those who commit those acts.

20 THE COURT: Well, did you actually speak to any of
21 the victims of any of these offenses?

22 JUROR DIAZ: Not directly to them, no. I have only
23 witnessed on behalf of what their family had to suffer through.

24 THE COURT: So you knew family members of victims?

25 JUROR DIAZ: I'm sorry. So to be perfectly clear, I

1 mean the mother of the man who had committed the crime. So
2 having to do deal with her suffering and worry, and she
3 personally came to us I think for help for finding a lawyer.

4 THE COURT: Oh, on behalf of her son?

5 JUROR DIAZ: On behalf of her son, yeah.

6 THE COURT: Okay. So now how does that -- what
7 prejudice or bias do you think you might have as it relates to
8 this case?

9 JUROR DIAZ: It's kind of towards an ethical issue of
10 why would you do such a thing to younger people. It's an
11 ethical concern. Seeing it from two immediate neighbors makes
12 me really question what's going through your head personally.

13 THE COURT: Well, here we've got two victims who are
14 adults. You're going to have to judge the credibility of what
15 they say as to whether it's the truth or not the truth. And
16 I'm going to give you the law, and you have got to follow the
17 law that I give you.

18 Do you think that you would be unable to do that?

19 JUROR DIAZ: Yes, Your Honor, I can.

20 THE COURT: You can do it?

21 JUROR DIAZ: I can follow your law, yes.

22 THE COURT: Okay. And put your bias that you --

23 THE WITNESS: The bias won't affect me. I just want
24 to let you all know that I have been exposed to this situation.

25 THE COURT: Okay. I appreciate it. Thank you, Mr.

1 Diaz.

2 JUROR DIAZ: Thank you.

3 COURT SECURITY OFFICER: 17.

4 THE COURT: Hi again, Ms. Gumbel.

5 JUROR GUMBEL: This is weird.

6 THE COURT: I know. I apologize.

7 JUROR GUMBEL: It's all good. So when I was still
8 living on the west coast, I was 18, and my friend was sexually
9 assaulted when she was 19.

10 THE COURT: She was 19?

11 JUROR GUMBEL: Yeah.

12 THE COURT: And was anybody prosecuted for that?

13 JUROR GUMBEL: No. We did go to the hospital and
14 start going through the process, but then towards the end she
15 decided not to do anything about it.

16 THE COURT: She decided not to file?

17 JUROR GUMBEL: She didn't want to do deal with all
18 that.

19 THE COURT: So it was somebody she knew?

20 JUROR GUMBEL: It was at a party, so it was not
21 someone we knew like super swell or anything like that, but we
22 knew of them.

23 THE COURT: All right. How long ago was that?

24 JUROR GUMBEL: I am 31 now, so ten years, something
25 like that.

1 THE COURT: All right. And anything about that
2 experience which would make it difficult for you to be fair and
3 impartial in this case?

4 JUROR GUMBEL: It was quite a long time ago. So, no.

5 THE COURT: So there will be testimony, as I've
6 recounted earlier, that two victims were sexually assaulted in
7 this case. And do you think you can be fair and impartial?

8 JUROR GUMBEL: I do, yeah. Each case is different.
9 So I --

10 THE COURT: Very true. All right. Thank you very
11 much, Ms. Gumbel.

12 JUROR GUMBEL: Thank you.

13 COURT SECURITY OFFICER: Number 4.

14 THE COURT: Good morning, Mr. Brownlow.

15 JUROR BROWNLOW: I am number 4, Jason Brownlow. So
16 having a sister who is foreign service, she has had staff, she
17 may have had live-in staff, I am not sure, but I have topical
18 familiarity with what it's like to have a staff member in-house
19 if you are in the foreign service, but just sort of from an
20 understanding of listening to her talk about people.

21 So for instance, I would think that if you had a
22 staff member who comes from your country, you would pay them
23 one way. If they come from within the country, you may pay
24 them that country's wage, that sort of thing.

25 So I have some understanding beyond what the average

1 person would have what that's like. I don't think it would
2 affect my impartiality, but I'm just noting it.

3 THE COURT: Well, there will be testimony about the
4 payment of live-in nannies in this case, and there will be
5 particulars that will be testified to. And what you would be
6 asked would be to put aside any of that other information that
7 you know generally and just focus on the evidence that you hear
8 in this courtroom.

9 JUROR BROWNLOW: Right. So listen to the law rather
10 than what I think.

11 THE COURT: Yeah. The evidence will come off that
12 witness stand, and you judge the credibility of the people
13 involved, and I give you the law and you make the decision
14 then.

15 JUROR BROWNLOW: Right. Yep, no problem.

16 THE COURT: No problem?

17 JUROR BROWNLOW: Okay.

18 THE COURT: All right. Thank you, Mr. Brownlow.

19 Okay, let's continue on. Thank you.

20 NOTE: The side-bar discussion is concluded;
21 whereupon the case continues before the jury panel as follows:

22 BEFORE THE JURY PANEL

23 THE COURT: All right. Thank you all. As I have
24 alluded to, Ms. Roe is from Ethiopia, and she will be using an
25 interpreter. And there will be a second witness who also will

1 be using an interpreter. And they are not U.S. citizens.

2 Does anybody believe that they have any bias or
3 prejudice one way or the other about persons who are in that
4 position so that you couldn't be fair and impartial in this
5 case?

6 Would any of you give greater weight to the testimony
7 of a witness based solely on their occupation?

8 In other words, for instance, if they are a law
9 enforcement officer, or they are a State Department employee,
10 or working in another capacity within law enforcement, just
11 because of the position that they have?

12 Have any of you lived or members of your immediate
13 family lived in the Middle East or in Africa?

14 COURT SECURITY OFFICER: We have one, Judge.

15 JUROR MATHALON: My father was born in Sudan, and he
16 used to live in Egypt for a few years.

17 THE COURT: I am sorry, he lived in --

18 JUROR MATHALON: He was born in Sudan. And he lived
19 in the Middle East before he came to the United States. Egypt
20 is where he lived.

21 THE COURT: All right. And how long did he come to
22 the United States?

23 JUROR MATHALON: Oh, he will kill me for this, but
24 like 50 years ago.

25 THE COURT: All right, thank you, Mr. Mathalon.

1 I have asked you all about many aspects of your
2 employment. Have any of you worked with sex abuse or rape
3 victims?

4 COURT SECURITY OFFICER: I believe we have one,
5 Judge.

6 JUROR KOBYLINSKI: I was a counselor for young women,
7 and several of my clients had experiences that were a little
8 traumatic.

9 THE COURT: Okay. And still today, Ms. Kobylinski?

10 JUROR KOBYLINSKI: No. I stopped doing that about
11 five years ago. And I did it for seven years.

12 THE COURT: You did it for seven years?

13 JUROR KOBYLINSKI: Yeah. Many young expecting
14 mothers, was my --

15 THE COURT: You worked with young expecting mothers?

16 JUROR KOBYLINSKI: Yes. Pregnant mothers.

17 THE COURT: All right. And would that experience
18 make it difficult for you to be fair and impartial in this
19 case?

20 JUROR KOBYLINSKI: No.

21 THE COURT: All right. Thank you, Ms. Kobylinski.
22 Ms. Allen.

23 JUROR ALLEN: I am a psychologist, a research
24 psychologist, but I have a lot of friends who are
25 psychologists, clinical psychologists and who have worked with

1 sexual abuse victims.

2 THE COURT: And you have spoken to them about what
3 they do and their jobs?

4 JUROR ALLEN: Yes.

5 THE COURT: And would that make it difficult for you
6 to be fair and impartial in this case?

7 JUROR ALLEN: No.

8 THE COURT: All right. Thank you, Ms. Allen.

9 As I said, the victim, the plaintiff in this case is
10 Ethiopian, and there may be another second witness from
11 Ethiopia.

12 Do any of you have a relationship with an Ethiopian
13 person here in the United States that would make it difficult
14 for you to be fair and impartial in this case because of that
15 relationship?

16 Is there any other reason that anyone believes that
17 you would be unable to be fair and impartial in this case and
18 decide it only based on the evidence you receive and the law
19 that I give you for any other reason other than questions I
20 have already asked you?

21 All right. Let me see counsel at the sidebar then.

22 NOTE: A side-bar discussion is had between the Court
23 and counsel out of the hearing of the jury panel as follows:

24 AT SIDE BAR

25 THE COURT: Are there additional questions that you

1 want me to ask?

2 MR. RINALDO: I don't think so, Your Honor.

3 THE COURT: All right.

4 MS. PATTERSON: No, Your Honor.

5 THE COURT: I think I asked pretty much all the
6 questions that you offered. And I appreciate the work that you
7 did on the voir dire.

8 Then let's talk about excuses for cause.

9 MR. RINALDO: Do you want to go first, Melissa? Is
10 that how you handle it? Or do you have some, Your Honor?

11 THE COURT: Well, let me propose a couple. How about
12 Mr. Baker? His son is at UVA, he has undergone administrative
13 review. He is obviously pretty upset about it.

14 Is there any objection to excusing him?

15 MR. RINALDO: Not from me, Your Honor.

16 MS. PATTERSON: No, Your Honor.

17 THE COURT: All right. Then Mr. Baker.

18 Mr. Mathalon, who is --

19 MR. RINALDO: What's that number, Your Honor?

20 THE COURT: 27. His girlfriend was assaulted and he
21 is pretty upset about it. He said he couldn't be fair and
22 impartial.

23 Any objection?

24 MR. RINALDO: No objection, Your Honor.

25 MS. PATTERSON: No objection.

1 THE COURT: All right. That's my immediate list.
2 Mr. Rinaldo, do you want to go first?

3 MR. RINALDO: Do you want me to go first?

4 THE COURT: Yes, sir, go ahead.

5 MR. RINALDO: I think a combination of the answers
6 from Ms. Allen, number 1, based on several answers she gave.
7 And her hesitation about whether she could be fair and
8 impartial in at least two areas, I think it would be fair to
9 excuse her for cause.

10 THE COURT: Okay.

11 MS. PATTERSON: We have no objection to that, Your
12 Honor.

13 THE COURT: You have no objection? All right, I
14 think that she did kind of -- I had to work her over a little
15 bit to get her to say she would be fair and impartial, and I
16 think that's fair. We will excuse Ms. Allen.

17 MR. RINALDO: Number 6, Ms. Buker, her son works in
18 human trafficking for the FBI and so forth. There were a
19 couple of them. And she also on the other hand said that she
20 wasn't -- somebody wasn't treated fairly by the system at all.
21 Somebody who is a cousin accused of sexually inappropriate
22 conduct in Puerto Rico. It kind of cuts both ways.

23 I am thinking maybe -- I mean, one is on each side of
24 that issue.

25 THE COURT: Yeah.

1 MS. PATTERSON: Your Honor, I think, as Mr. Rinaldo
2 pointed out, she kind of cut both ways and she said that she
3 could be fair and impartial.

4 MR. RINALDO: If you want to leave her in there,
5 that's okay.

6 THE COURT: Yeah. I am going to leave her in there.

7 MR. RINALDO: At least as a cause issue.

8 THE COURT: Right. And you will have an opportunity
9 to strike her. So we will leave Ms. Buker on. Your exception
10 is noted.

11 MR. RINALDO: Right. What about Mr. Diaz with the
12 next door neighbor who was convicted of sex trafficking.

13 THE COURT: Yeah, and he gave some confusing answers.

14 MR. RINALDO: He did.

15 THE COURT: But he ended by saying, I want you to
16 know I can be fair and impartial.

17 MR. RINALDO: I know how he ended.

18 THE COURT: He didn't know these people personally,
19 he just heard --

20 MR. RINALDO: -- from the mother.

21 THE COURT: Of the defendant.

22 MR. RINALDO: He helped him get a lawyer.

23 THE COURT: Right. I just don't see that that
24 experience --

25 MR. RINALDO: Okay.

1 THE COURT: -- is going to bias him or prejudice him
2 against, especially against Mrs. Howard. I mean, he was more
3 empathetic to the defendant and his family.

4 MR. RINALDO: All right.

5 THE COURT: I am not going to excuse Mr. Diaz.

6 MR. RINALDO: What about Ms. Kobylinski, number 24,
7 counselor for young women victims?

8 THE COURT: Yeah.

9 MR. RINALDO: I mean, I didn't really have a problem
10 until we got to that at the end.

11 THE COURT: Yeah.

12 MR. RINALDO: Young women victims being assaulted by
13 older people. I mean, really, Your Honor --

14 THE COURT: What did she say? She said she worked
15 with pregnant --

16 MS. PATTERSON: She said worked --

17 THE COURT: Pregnant teenagers, right.

18 MR. RINALDO: Young women victims, generally
19 expectant mothers who had been victims --

20 THE COURT: Did she say victims?

21 JUROR ALLEN: Yes, she specifically said young women
22 victims because I wrote that down.

23 MS. PATTERSON: I have that it was young women, Your
24 Honor. It may have been victims. But in any case, she didn't
25 say anything about whether they were victims of sexual assault

1 or rape. She just said that they were young expectant mothers.

2 THE COURT: Well, the question was, have you worked
3 with rape victims or sexual assault victims.

4 MR. RINALDO: Yes.

5 THE COURT: So that was the question which would
6 bring it up.

7 MR. RINALDO: I do have a pretty specific
8 recollection she used the term "victims" there.

9 THE COURT: All right. She did say she could be fair
10 and impartial, and she is not in that position --

11 MR. RINALDO: She is not in the position anymore.

12 THE COURT: -- anymore.

13 MS. PATTERSON: She said it was years ago.

14 MR. DeLORME: Seven years ago.

15 THE COURT: Four or five years ago.

16 MR. DeLORME: Seven years ago.

17 MR. RINALDO: That's the one whose father worked with
18 child labor too, but he's gone.

19 THE COURT: I am going to excuse Ms. Kobylinski.

20 MR. RINALDO: You will?

21 THE COURT: Yes.

22 MR. RINALDO: Any others?

23 MR. BATTLE: No, that's my list too.

24 MR. RINALDO: I think that's -- it's always nice to
25 have a lawyer on the jury.

1 THE COURT: What number?

2 MR. RINALDO: Hoffman. I think that it was his name,
3 yeah.

4 THE COURT: Hallman, right?

5 MR. RINALDO: Oh, Hallman, juror number 18. I don't
6 think that it's a cause excuse, Your Honor, but based on my own
7 personal trial history, I once let a lawyer on the jury and he
8 proceeded to, in a federal case, to take them from 5/1 to 0/6
9 because he gave them a lecture on proximate cause.

10 THE COURT: All right.

11 MR. RINALDO: But I don't think it's a fair strike
12 for cause. I just thought I would pass that along.

13 THE COURT: Okay. Thank you. We are not going to
14 excuse Mr. Hallman.

15 MS. PATTERSON: Ms. Leonard, who is number 25. She
16 mentioned that she was -- her husband is a Sergeant, and she
17 seemed to demonstrate some reluctance to be fair and impartial.
18 She said she was a school counselor and worked with victims
19 that sometimes made false accusations and sometimes didn't.
20 And so, I think that would potentially influence her.

21 MR. RINALDO: That was the person whose grandfather
22 was in the foreign service, right? I think.

23 MR. SALINAS: Yes.

24 THE COURT: Ms. Leonard's husband works for the
25 Loudoun County Sheriff's Department and she is the school

1 counselor.

2 MR. RINALDO: Right.

3 THE COURT: So you want her excused for cause?

4 MS. PATTERSON: Yes.

5 THE COURT: She is very close to these matters and
6 has an awful lot of history.

7 MR. RINALDO: I am okay with that, Your Honor.

8 THE COURT: So we will excuse Ms. Leonard.

9 Anybody else for you, Mr. Rinaldo?

10 MR. RINALDO: No. Is that all you have, Melissa,
11 because that was the only one she was listing. I thought I
12 would give her a fair chance. I went through my list. Let me
13 see if I missed anybody while she is doing that.

14 MS. PATTERSON: We don't have anyone else.

15 MR. RINALDO: Oh, yes, Whitaker, number 41. Mother
16 and cousin both sexually assaulted. I know what she said,
17 but --

18 THE COURT: One was prosecuted, one was not.

19 MR. RINALDO: Yes.

20 THE COURT: She said she could be fair and impartial.
21 I am not going to strike her for cause.

22 MR. RINALDO: Okay.

23 THE COURT: All right.

24 MR. RINALDO: I think those are the only ones I have.

25 THE COURT: All right. Then we will go finish jury

1 selection and then take a break.

2 MR. RINALDO: Are you going to take the lunch break
3 when we finish jury selection?

4 THE COURT: Probably. What time is it now.

5 MR. RINALDO: It is 12:30 now.

6 THE COURT: Yeah, we will take a lunch break.

7 MR. RINALDO: Pretty near anyway.

8 THE COURT: So I will put six in the box. Each of
9 you have three strikes. If you don't strike somebody, they are
10 in, they stay in.

11 We fill back up the box. We will go back and forth
12 and give you the opportunity to strike as we fill the box up
13 each time. Either after you run out of strikes or --

14 MR. RINALDO: Then you're done.

15 THE COURT: You're done. And then we will call four,
16 and each of you are required to strike one, and that will be
17 our six and two alternates.

18 MR. RINALDO: I think it makes sense to do that
19 before the lunch break. Then you can excuse everyone else.

20 THE COURT: Yes.

21 MR. RINALDO: That's what I thought.

22 MS. PATTERSON: Thank you, Your Honor.

23 MR. RINALDO: Thank you, Your Honor.

24 THE COURT: Yes, thank you.

25 NOTE: The side-bar discussion is concluded;

1 whereupon the case continues before the jury panel as follows:
2 BEFORE THE JURY PANEL

3 THE COURT: All right. Thank you all. We are going
4 to proceed to selection of our jury at this time.

5 I assure you, we will be calling names randomly. And
6 if you hear your name being called, please proceed to Mr.
7 Ruelas and he will tell you where to go.

8 So let's go ahead.

9 THE CLERK: Ladies and gentlemen, as I call your
10 name, would you please come forward and have a seat in the jury
11 box as instructed by the Court Security Officer.

12 Juror number 17, Rachel Gumbel. Juror number 11,
13 Ivan Diaz. Juror number 13, Bridget Dwyer. Juror number 22,
14 Johnson Huang. Juror number 12, Angela Dodge. And juror
15 number 7, Melinda Burney.

16 NOTE: The lawyers exercise their strikes.

17 THE CLERK: The following jurors may return to their
18 seats in the courtroom. Juror number 7, Melinda Burney. Juror
19 number 12, Angela Dodge. Juror number 11, Ivan Diaz.

20 NOTE: The above-named jurors return to their seats
21 in the courtroom.

22 THE CLERK: As I call your name, would you please
23 come forward and have a seat in the jury box as instructed by
24 the Court Security Officer. Juror number 43, Eric Wojcik.
25 Juror number 4, Jason Brownlow. And juror number 26, Susan

1 Mason.

2 NOTE: The lawyers exercise their strikes.

3 THE CLERK: The following juror may return to their
4 seat in the courtroom. Juror number 26, Susan Mason.

5 NOTE: The above-named juror returns to her seat in
6 the courtroom.

7 THE CLERK: As I call your name, would you please
8 come forward and have a seat in the jury box as instructed by
9 the Court Security Officer. Juror number 38, Christine Swann.

10 NOTE: The lawyers exercise their strikes.

11 THE CLERK: The following juror may return to their
12 seat in the courtroom. Juror number 38, Christine Swann.

13 NOTE: The above-named juror returns to her seat in
14 the courtroom.

15 THE CLERK: As I call your name, would you please
16 come forward and have a seat in the jury box as instructed by
17 the Court Security Officer. Juror number 30, Bryan Plawecki.

18 NOTE: No further strikes are taken.

19 THE CLERK: As I call you're name, would you please
20 come forward and have a seat in the jury box as instructed by
21 the Court Security Officer.

22 Juror number 28, Curtis Melvin. Juror number 19,
23 Brian Hobbs. Juror number 42, Christian Willmore. Juror
24 number 35, Mary Shannon.

25 NOTE: The lawyers exercise their strikes.

1 THE CLERK: Will the following jurors please return
2 to their seats in the courtroom. Juror number 19, Brian Hobbs.
3 And juror number 28, Curtis Melvin.

4 NOTE: The above-named jurors return to their seats
5 in the courtroom.

6 THE COURT: Any objection to the composition of the
7 jury?

8 MS. PATTERSON: One moment, Your Honor.

9 THE COURT: Yes.

10 MS. PATTERSON: No, Your Honor.

11 MR. RINALDO: No, Your Honor.

12 THE COURT: All right. Thank you.

13 All right, let's swear our jury then, please.

14 THE CLERK: Jurors, would you now stand, raise your
15 right hand, and after the oath is administered respond by
16 stating "I shall."

17 NOTE: The jury for the case is duly sworn.

18 THE COURT: Joe, do our jurors need to go to a
19 different courtroom and go this process again today?

20 COURT SECURITY OFFICER: No, sir, they are good to
21 go, but they need to call the 800 number today.

22 THE COURT: All right. Thank you all for coming in
23 and making yourselves available for service today.

24 You know, our system of justice is the greatest in
25 the world because of the contribution you make, bringing your

1 experiences, and your common sense, and your attention to
2 considering the very serious matters that we have here on a
3 daily basis. And I'm so thankful to each and every one of you
4 that you made yourselves available today.

5 I hope that those of you who have not served on a
6 jury to date will get the opportunity. It's an incredible
7 experience. It is not only of great benefit to the community,
8 but I think personally it's a difficult but a very rewarding
9 and important work that you would have the opportunity to do.

10 So I know I will hear the collective sigh of relief
11 out at the elevator that you weren't chosen today, but I hope
12 you do that the opportunity very soon to serve as jurors.

13 Thank you all so much. You are excused at this time.

14 NOTE: Those jurors not selected for jury duty are
15 excused and leave the courtroom.

16 THE COURT: All right, ladies and gentlemen, I am
17 going to give you some preliminary instructions, and then we're
18 going to take a lunch recess.

19 There will be telephones in the back and restrooms,
20 and you can call anybody that you need to call and tell them
21 you won't be around this afternoon the way you hoped you would
22 be. So I will just take a few minutes now and give you some
23 preliminary instructions, and then we will break until
24 2 o'clock.

25 The first order of business is opening statements.

1 The attorneys for both sides will have an opportunity to make
2 an opening statement outlining their case. Neither attorney is
3 required to make an opening statement.

4 Those opening statements will explain to you what
5 they expect the evidence to be, and they do so to help you
6 understand the evidence as it is presented through witnesses
7 and documents and other exhibits. It will make you aware of
8 any differences and conflicts that the attorneys foresee in the
9 evidence that you will hear.

10 It is important for you to keep in mind that what the
11 lawyers say in their opening statements is not evidence. You
12 must not consider it as so.

13 After opening statements, the plaintiff will
14 introduce its evidence. Once that is concluded, the defendant
15 has the right to introduce evidence if they so desire. If the
16 defendant produces evidence, the plaintiff may then introduce
17 rebuttal evidence to address those issues raised by the
18 defendant.

19 At the conclusion of all the evidence the attorneys
20 may present their closing arguments to summarize and interpret
21 the evidence for you. In their closing arguments, they will
22 refer to testimony you have heard. But here again, what the
23 lawyers say is not the evidence. Their arguments are based on
24 their personal recollection of the evidence.

25 It's your recollection, the jury's recollection of

1 the evidence that governs the outcome of the case.

2 At the time of closing arguments, either before or
3 after, I will instruct you on the law. And these instructions
4 are the law that is applicable to this case. And it's your
5 duty to follow those instructions carefully.

6 After you have heard the instructions and the closing
7 arguments, you will retire, select a foreperson, and deliberate
8 and arrive at your verdict.

9 It's important to keep in mind during your jury
10 service that you must not be influenced to any degree by any
11 personal feelings of sympathy for or prejudice against any
12 party in this suit. Each party is entitled to the same fair
13 and impartial consideration.

14 As I indicated during voir dire, the plaintiff is
15 testifying under a pseudonym, and you're not to consider that
16 in any way either for or against either party or try and
17 speculate why that is occurring. It's a convenience that is
18 done under my instructions, and you should not consider it any
19 further.

20 It's your duty to determine the facts from the
21 evidence and the reasonable inferences arising from such
22 evidence. And in doing so, you must not engage in guesswork or
23 speculation.

24 The evidence from which you will find the facts will
25 consist of the testimony of the witnesses, documents, and other

1 exhibits entered into evidence and facts that the lawyers agree
2 or stipulate to or that I may instruct you on.

3 The admission of evidence is governed by rules of law
4 and evidence that have been developed over many years. And the
5 purpose of these rules is to protect the fairness and accuracy
6 of the fact-finding process in which you are engaged.

7 From time to time it may be the duty of the lawyers
8 to make objections. It's my duty to rule on those objections
9 and determine whether you can consider certain evidence. You
10 must not concern yourself with any objections or hold it
11 against either attorney for making an objection. It is their
12 duty to fully represent their client's interest.

13 You must not consider testimony or exhibits to which
14 an objection was sustained or which I have ordered stricken.
15 If an objection is overruled, treat the answer like any other.
16 If you're instructed that some item of evidence is received for
17 a limited purpose only, you must follow that instruction.

18 Statements, arguments, and questions by lawyers are
19 not evidence. It's also important for to you keep in mind that
20 no statement, ruling, gesture, or remark that I make during the
21 course of the trial is intended in any way to indicate my
22 opinion of the facts.

23 You are to determine the facts of this case, and you
24 alone must decide upon the believability of the evidence, it's
25 weight and value.

1 You must not consider anything you have seen or heard
2 outside the courtroom. You are to decide this case solely on
3 the evidence presented here in the courtroom.

4 There are two kinds of evidence, direct and
5 circumstantial. Direct evidence is the direct proof of a fact,
6 such as testimony of an eyewitness. Circumstantial evidence is
7 proof of facts from which you may infer or conclude that other
8 facts exist. I will give you further instructions on these as
9 well at the end of the case, but keep in mind that you may
10 consider both kinds of evidence.

11 In considering the weight and value of the testimony
12 of any witness, you may take into consideration the appearance,
13 attitude, and behavior of the witness, the interest of the
14 witness in the outcome of the trial, the relation of the
15 witness to any party in the case, the inclination of the
16 witness to speak truthfully or not, the probability or
17 improbability of the witness' statement, and all other facts
18 and circumstances that are in evidence.

19 Thus, you may give the testimony of any witness such
20 weight and value as you may determine that witness' testimony
21 is entitled to receive.

22 Pay careful attention to the testimony of the
23 witnesses because, contrary to what you may have seen on
24 television, it's not possible to call a witness back or read
25 his or her testimony to you while you are deliberating.

1 This is a civil case. The plaintiff has the burden
2 of proving their case by what's called a preponderance of the
3 evidence. That means the plaintiff has to produce evidence
4 which considered in the light of all the facts leads you to
5 believe that what the plaintiff claims is more likely true than
6 not.

7 To put it differently, if you were to put the
8 plaintiff's and the defendant's evidence on opposite sides of
9 the scales, the plaintiff would have to make the scales tip
10 somewhat on their side. If the plaintiff fails to meet this
11 burden, the verdict must be for the defendant.

12 Those of you who have sat in on criminal cases or
13 watched TV regarding them, you may have heard of proof beyond a
14 reasonable doubt. That does not apply to a civil case.
15 Therefore, you should not consider it.

16 Until the case is submitted to you for deliberation,
17 you must not discuss the case among yourselves or with anyone
18 else. And you must not remain within hearing of anyone who is
19 discussing the case.

20 To avoid the possible appearance of impropriety, I
21 strongly urge that until the case is concluded, you should not
22 talk at all with anyone connected with this case as a party,
23 witness, attorney, or me.

24 Do not read or listen to anything touching on this
25 case in any way. If anyone should try to talk to you about it,

1 bring it to my attention promptly. Do not try to do any
2 research or investigation of the case on your own.

3 After the case has been submitted to you, you must
4 discuss the case only in the jury room when all members of the
5 jury are present. You are to keep an open mind and you should
6 not decide any issue in this case until the case is submitted
7 to you for your deliberation after the instructions. Remember,
8 there are two sides to every story.

9 We will have notes and -- a notebook and pen for you.
10 If you decide to take notes, you must leave them in the jury
11 room when you leave at night. And remember that they are for
12 your own personal use and they are not to be given or read to
13 anyone else.

14 For planning purposes, I take a morning recess of
15 15 minutes, mid-morning and mid-afternoon, and we'll take an
16 hour for lunch. And we will go from -- well, we will talk
17 about that, but I generally go from 9 to about 5:30 in the
18 evening.

19 When you are excused for recesses, please go directly
20 to the jury room. And as I said, there are restrooms and a
21 telephone there. And we will make you as comfortable as we
22 can. And any questions that you may have, Mr. Ruelas will be
23 available, and he is kind of the guy that is in charge, and any
24 questions that you have, please ask him. We will do the best
25 we can to accommodate you while you are here.

1 I am going to require a rule on witnesses for the
2 parties. Meaning that the witnesses will be excluded from the
3 courtroom with certain exceptions. So that when they testify,
4 they are testifying from their own recollection and not after
5 listening to other witnesses who have testified here in the
6 courtroom while they observed it. And they, of course, are
7 required not to discuss the testimony that has been given here
8 in the courtroom or that they are about to give with any of the
9 other witnesses prior to testifying.

10 All right. Then that concludes my preliminary
11 instructions. We're going to break now, we will come back at
12 2 o'clock, and we will have opening statements at that time.

13 All right, you are excused. Thank you.

14 NOTE: At this point the jury leaves the courtroom;
15 whereupon the case continues as follows:

16 JURY OUT

17 THE COURT: All right. How much time do you need for
18 opening statements? Did I ask you that already? I can't
19 remember.

20 MR. RINALDO: You did not.

21 THE COURT: How much time do you need, Ms. Patterson?
22 Are you going to give the opening?

23 MS. PATTERSON: Your Honor, I would expect it to be
24 somewhere around 15 to 20 minutes.

25 MR. RINALDO: Probably about the same.

1 THE COURT: All right.

2 MR. RINALDO: Your Honor, I have a question.

3 THE COURT: Yes, sir.

4 MR. RINALDO: Would the Court consider -- do you mind
5 if I ask from over here?

6 THE COURT: Well, Mr. Linnell usually will take care
7 of you if you try that.

8 MR. RINALDO: Okay. Thank you, Your Honor. I won't
9 make that mistake again.

10 Would the Court consider giving the -- remember, we
11 had a long talk about media instruction and using Facebook and
12 Snapchat and things like that. Would the Court consider giving
13 that before they leave for the day today? I was hoping we
14 could do it before lunch, but we should be all right there.

15 THE COURT: I think we will be fine. I will do that.
16 I realize --

17 MR. RINALDO: I know I have one that I took out of
18 O'Malley, and I think you probably have one too, on using
19 those.

20 MS. PATTERSON: We did not include one.

21 MR. RINALDO: Oh, they did not include one.

22 THE COURT: Certainly. As soon as they come back I
23 will remind them, and I will remind them at the end of the day
24 as well. As I indicated to you, I give them a good going over
25 at the end of the day and then first thing in the morning.

1 MR. RINALDO: Because of the specific nature of this
2 case and what is available out there, I know what's available
3 out there, it would be really bad if somebody went out there.

4 THE COURT: I understand. I don't see that we're
5 going to get any publicity on this case.

6 MR. RINALDO: No, but anybody who looks up that name
7 on the Internet, my client's name on the Internet, it's the
8 first thing that comes up.

9 THE COURT: Okay. All right, understood. And I will
10 be happy to give that instruction when they come back and also
11 at the end of the day.

12 MR. RINALDO: Thank you, Your Honor.

13 THE COURT: And each day. All right, anything else
14 before we break for lunch?

15 MR. RINALDO: No, Your Honor.

16 MS. PATTERSON: No, Your Honor.

17 THE COURT: Okay. Then we're in recess, we will come
18 back at 2 o'clock.

19 NOTE: At this point a lunch recess is taken; at the
20 conclusion of which the case continues in the absence of the
21 jury as follow:

22 JURY OUT

23 THE COURT: All right. Are we ready for our jury?

24 MR. BATTLE: Yes.

25 THE COURT: Okay. Joe, let's get our jury, please.

1 NOTE: At this point the jury returns to the
2 courtroom; whereupon the case continues as follows:

3 JURY IN

4 THE COURT: Ladies and gentlemen, I gave you a little
5 speech about deciding the case only on the evidence that you
6 hear in the courtroom and not doing any investigation, or
7 research, or speaking to anybody about it. And that's
8 critically important, especially in this day and age when there
9 is all forms of social media available and resources to make it
10 very easy to pretty much research any issue you want or
11 investigate whatever you want. We do it every day on a regular
12 basis.

13 You just can't do it in this case. It will
14 fundamentally deny the parties here an opportunity to have a
15 verdict based just on the evidence that is here.

16 If disclosed, it will cause a mistrial and the case
17 will have to be tried again. And it also can be a basis for a
18 civil contempt before me, which is not a really wonderful
19 alternative either.

20 So it's really, really important, and I appreciate
21 your taking that into consideration.

22 All right, Ms. Patterson, opening statement.

23 MS. PATTERSON: Thank you, Your Honor.

24 THE COURT: Please, proceed.

25 MS. PATTERSON: May it please the Court.

1 Members of the jury, Russell needs a friend. Ms.
2 Sarah Roe will testify that the Howards told her at her first
3 interview to be their live-in housekeeper that Russell needs a
4 friend.

5 And when Ms. Sarah Roe moved into their house as
6 their live-in housekeeper, Linda Howard told her, the most
7 important part of your job is to make Russell happy.

8 Ms. Roe didn't know what those words meant, but make
9 no mistake, the defendant, Linda Howard, knew exactly what it
10 took to make Russell Howard happy. She knew exactly what sort
11 of friend her husband wanted.

12 And today's case is about how Linda Howard targeted
13 Ms. Sarah Roe, befriending her to be Russell's friend. About
14 how Linda Howard recruited Sarah to work in that household so
15 that Russell Howard could rape and sexually assault Ms. Roe to
16 make him happy.

17 Members of the jury, today's case is about how Linda
18 Howard executed a plan to target and recruit Sarah Roe all in
19 order to keep Russell happy.

20 Members of the jury, as I introduced myself earlier,
21 my name is Melissa Lim Patterson. And I, along with my
22 colleague Andres Salinas and Carter DeLorme, represent our
23 client, Sarah Roe. Thank you again for your time and your
24 service today.

25 This is Sarah Roe. She is from Ethiopia, which is a

1 largely Christian country in Africa.

2 Now, when Sarah was growing up, she didn't have a lot
3 of money. And so, when she was 14, she acquired a work visa to
4 move to Sana'a, Yemen. Sana'a is about 600 miles from Addis
5 Ababa where Ms. Roe is from. It's a long ways for a young
6 girl, for a 14-year-old. But Sarah had an obligation to her
7 family to take care of her mother, her father, and her two
8 younger brothers. And so, she did it. And over the course of
9 the next few years, she worked in Yemen.

10 When she was 20 years old she met the Howards. She
11 met them at the U.S. Embassy in Sana'a where the defendant,
12 Linda Howard, worked. And Ms. Roe, she was working at a
13 restaurant called Uncle Sam's on the U.S. Embassy complex. And
14 the Howards took an immediate liking to Ms. Roe. You are so
15 beautiful, Russell would say. Why don't you come work for us.

16 Linda Howard would approach Ms. Roe, give her kisses
17 on the cheek, chat with her about her day. Come work for us,
18 she said.

19 To be frank, Ms. Roe was 20, she was flattered by the
20 attention that this older, worldly couple were putting on her.
21 At the time Linda Howard was in her late '40s and Russell
22 Howard was in his 50s.

23 And while Ms. Roe was flattered, she decided to
24 reject their job offer because she had another job. But over
25 the course of the next two years, Ms. Roe would become friends

1 with Linda Howard. She would grow to think of Linda Howard as
2 a mother, just like Linda planned.

3 When Sarah needed a job, when she needed help
4 navigating her project at the U.S. Embassy, she turned to Linda
5 Howard, and Linda Howard was there. She waited patiently,
6 befriending Ms. Roe, answering her call for help. Linda Howard
7 tricked Ms. Roe into trusting her.

8 And what was there not to trust? Linda Howard was a
9 U.S. State Department employee, a U.S. diplomat. She was
10 older, worldly, and wise. She was accompanied by her now
11 deceased ex-husband Russell Howard, who was an Australian
12 diplomat before he retired in the early 2000s.

13 The Howards were in Sarah Roe's eyes trustworthy.
14 She thought of them like parents. And that's exactly how they
15 planned it. And it's because of that trust that when 22-year
16 old Sarah once again needed a job, she turned to Linda Howard.

17 Ms. Roe had just returned from Ethiopia where she was
18 caring for her sick mother. And when she got back to Yemen,
19 the bills were beginning to pile up. She had lost her previous
20 job because she had to go to help her mother. The rent was
21 due. She had searched for weeks to find a job. She didn't
22 know what to do. She was desperate. And she called Linda
23 Howard.

24 And as luck would have it, Linda Howard suddenly
25 needed a new housekeeper. She told her, I'm out of the country

1 right now, but when I get back, let's talk.

2 Sarah was relieved. And so, she went in to interview
3 with the Howards. She didn't think anything was out of the
4 ordinary. She went to the interview. And then the Howards
5 began making demands. Give up your apartment, they said. You
6 have to come live with us. They said, you need to sell your
7 things, you can't bring your things into our home.

8 Sarah was left with no choice, she needed a job. And
9 plus, the Howards had promised that they would help her renew
10 her work visa. They promised her that they would help her get
11 medical care. Most importantly to Sarah, they promised her
12 that they would help her take care of her family. So Sarah
13 accepted.

14 A few days later after Sarah had sold many of her
15 things, such as her refrigerator, her stove, and her laundry
16 machine which she was storing to bring back to her mom, she
17 moved into the Howards' home. And on that first day Linda
18 Howard came to her and said, the most important part of your
19 job is to make Russell happy.

20 Sarah didn't really know what that meant. But Linda
21 hour did. And on that first day when Sarah moved in, Linda
22 Howard went to work as usual, 7 a.m. in the morning. And she
23 left Sarah Roe alone with her husband, Russell Howard.

24 And now, the first night that Sarah was with the
25 Howards, the Howards had told her that she would need to wear a

1 uniform, and they had told her that during the interview. And
2 Sarah wasn't surprised, that was fine. But when she moved into
3 the home, bereft of her things, the Howards finally presented
4 her with the uniform. And when Sarah looked at it, she saw
5 that the shirt was extremely low cut. She saw that the skirt
6 came up to here.

7 Sarah was embarrassed. Sarah felt as though this was
8 something she just couldn't wear. And so, she just couldn't
9 wear it. She thought that was the end of it.

10 But during that first week Russell Howard took her to
11 the store. He didn't say why, but they went to the mall, and
12 Russell began picking out some clothing. It was actually some
13 lingerie. Sarah had assumed that this was for Russell Howard's
14 wife, Linda Howard. But when they returned home, Russell
15 Howard gave Sarah Roe that lingerie and said, this is your
16 uniform.

17 Again, Sarah didn't know what to do. This was her
18 boss telling her what she needed to wear. She said, no. She
19 made Russell his lunch and then retreated back into her room.

20 Members of the jury, Sarah will tell you that a few
21 moments later Russell followed. He fills up her door frame.
22 And, members of the jury, you won't meet Russell Howard, but he
23 is not a small man. Sarah comes up only to his shoulder. And
24 as he is standing there, she can see that he is angry. He is
25 determined. And he's naked.

1 And as he stocks into her room, Sarah backs into a
2 corner. She is scared, she is confused. Russell Howard grabs
3 her. You're so beautiful, he says. And then he throws her
4 onto her bed. He rips her clothes. He pins down her arms.
5 And then he pins her down on the bed and he climbs on top. And
6 as Sarah cries, Russell rapes her. You'll get used to it, he
7 said. It's part of your job.

8 Members of the jury, that day began a nearly daily
9 routine of sexual assaults and rapes for the next six months.
10 And the evidence will show that Linda Howard knew about the
11 entire -- the entire extent and scope of Russell Howard's
12 sexual assaults and rapes.

13 Ms. Roe will testify that she overheard conversations
14 between the two when Russell Howard would report to Linda
15 Howard what he was doing. She will tell you about how he took
16 her to a hospital and forced her to get an IUD. She will tell
17 you about how they would talk during the day and laugh about
18 it.

19 Members of the jury, the evidence today and
20 throughout the trial will show that Linda Howard was an active
21 and willing participant in this scheme. And it will show you
22 that Linda Howard recruited and targeted Ms. Roe to be Russell
23 Howard's friend, all in violation of the Trafficking Victims
24 Protection Act, a federal statute designed to protect people
25 from sex trafficking and forced labor.

1 Now, before you hear from Ms. Roe, you will also hear
2 from a number of other witnesses. The first witness you will
3 hear from is a Mr. Michael Meszaros, who is a former and
4 retired State Department employee.

5 Mr. Meszaros also served abroad in Yemen and knew the
6 defendants, Linda and Russell Howard. Mr. Meszaros will tell
7 us about the culture and atmosphere in Yemen. He will tell you
8 that he lived in the same housing complex as the Howards. And
9 he will tell you about the Yemeni system. And most
10 importantly, about the corruption there.

11 Mr. Meszaros will also tell you about his personal
12 interactions with the Howards. And what is important is he
13 will tell you about how, at least in Yemen, it was uncommon for
14 people to have live-in help.

15 Finally, he will tell you about his own personal
16 observations of the Howards, particularly Linda Howard with her
17 housekeeper. Those housekeepers, such as Jane Doe.

18 Jane Doe will also come and testify, and she will
19 tell you about her experience in the Howards' home. She will
20 tell you about how Linda Howard -- she grew to think of Linda
21 Howard has a mother as well. She will tell you about the close
22 relationship she had with Linda Howard, a very similar
23 relationship as Sarah Roe had.

24 Most importantly, members of the jury, as you listen
25 to Jane Doe's testimony, you will learn that Sarah Roe was not

1 the first nor the last. Jane Doe will tell you about how
2 Russell Howard also overpowered her. How he also sexually
3 assaulted her. And how he also raped her while she worked in
4 his home.

5 Finally, members of the jury, before you hear from
6 Ms. Roe, you will hear from Florrie Burke, who is an expert
7 with decades of experience studying human trafficking.

8 Now, Ms. Burke has worked with the U.S. government
9 and in positions all over the country teaching about human
10 trafficking. She's spent years interviewing victims, and has
11 decades of experience in this field.

12 And I want to you listen carefully to Ms. Burke's
13 testimony because she'll you about three very important
14 concepts. She will tell you about coercion, control, and
15 compliance. And those three concepts are incredibly important
16 for you to understand because it will explain the imbalance of
17 power between victims like Ms. Roe and traffickers like the
18 Howards. And it will be key for you to understand victims'
19 behaviors.

20 Ms. Burke will come before you and she will testify
21 about the social, economic, and psychological pressures that
22 victims go through, and how traffickers exploit those
23 vulnerabilities to their own ends.

24 Ms. Burke will also tell you about the profile of
25 human trafficking victims. And she will tell you about how

1 that very profile makes them vulnerable to predators like
2 traffickers.

3 Most importantly, Ms. Burke will tell you about how
4 human trafficking isn't about physical control, but about
5 psychological control. She will tell you about the pervasive
6 climate of fear that traffickers create. About how they break
7 down their victims in order to make them compliant.

8 I ask you to listen carefully as Florrie Burke
9 explains the coercive tactics that traffickers use in order to
10 control their victims and ensure their compliance so that you
11 can recognize those very tactics when Ms. Roe testifies that
12 came from the Howards.

13 And finally, Ms. Roe will testify. When she comes
14 before you, she will tell you about everything that happened in
15 the Howards' home. She will tell you about how she moved into
16 the home, isolated from her community and isolated from help.
17 She will tell you that when she moved in, that the Howards
18 started to verbally and physically abuse her.

19 She will tell you about how she worked for 80 and
20 90 hours a week with very minimal pay, serving at the Howards'
21 every need. She will tell you about the interactions between
22 Russell and Linda Howard.

23 Most importantly, members of the jury, Ms. Roe will
24 tell you about the shame that she felt. She will tell you
25 about how afraid she was. How afraid that no one, no one,

1 especially in Yemen, would believe her word against the word of
2 two diplomats.

3 Members of the jury, today's case is about power and
4 abuse of power. It's about how the defendant, Linda Howard,
5 targeted Ms. Roe. How she recruited Ms. Roe. And how she and
6 Russell Howard engaged in a scheme to force Ms. Roe into sexual
7 labor for Russell Howard's pleasure.

8 And because of that, at the end of trial in a few
9 days I will come before you again and I will ask that you find
10 Linda Howard liable for the acts that she committed and provide
11 Ms. Roe with lawful compensation.

12 We'll also ask that you find for punitive damages
13 against Mrs. Howard for her willful acts in exploiting Sarah
14 Roe.

15 Thank you.

16 THE COURT: Thank you, Ms. Patterson.

17 Mr. Rinaldo. Please proceed.

18 MR. RINALDO: Thank you, Your Honor. Good afternoon.

19 Ladies and gentlemen, Russell Howard is dead. He
20 died on September 4, 2012. That's an undisputed fact. He
21 can't defend himself today against these charges.

22 Linda Howard is right here in the courtroom. She can
23 defend herself against these charges, and that is exactly what
24 she is going to do.

25 This morning when Judge O'Grady was talking to you

1 about some of your instructions, he talked about the concept of
2 credibility. And what he said was, if I can dare to probably
3 misquote him a bit, it was, you have to gauge the probability
4 or improbability of the witnesses' testimony.

5 That's what you, ladies and gentlemen, are going to
6 have to do today because this set of purported facts did not
7 happen.

8 What happened in this case is that Linda Howard, a
9 career diplomat with the United States State Department, had
10 gone through a number of postings, starting off with Paris in
11 the early '90s, and eventually through a number of other
12 postings ended in -- ended? Well, it was one of her postings,
13 in Sana'a, Yemen when they arrived in about 2005, in September
14 in 2005 in fact.

15 Along the way, she met Russell Howard, a career
16 Australian diplomat, a member of the Australian Bureau of
17 Foreign Affairs and Trade, who served about 30 years with the
18 Australian government. They met in Paris in 1991. And they
19 were married in 1994. They remained married until he died in
20 2012.

21 You might note that this case started with the filing
22 of a complaint, as you heard this morning. The plaintiff in
23 this case waited a full four years after Russell Howard had
24 died before she decided to file this complaint, and that's what
25 happened.

1 What also happened in this case is that when the
2 Howards were posted to Sana'a, Yemen, they found that, like
3 everybody has, I think, that while we may be gathered here in
4 Alexandria, Virginia, in one of the wealthiest and safest
5 nations in the world, that's a lot different than in Sana'a,
6 Yemen.

7 In Sana'a, Yemen, which is the capital of what is
8 called the Republic of Yemen, members of the State Department
9 embassy in Sana'a were required to live in housing on the Hunt
10 Oil Compound, which was a guarded, gated community for security
11 purposes.

12 That compound was about 45 minutes from the embassy.
13 The State Department transported its employees, such as Mrs.
14 Howard, to and from the embassy in an armored car. They
15 changed the route every day. They changed the time of pick-up
16 and the time of return every day.

17 Why? Well, I think those of us who watch the news
18 about the Middle East probably have a pretty good understanding
19 of why. There are bombings in Sana'a, Yemen. There are
20 roadside attacks in Sana'a, Yemen. And the State Department
21 needed to protect its employees, and it needed to protect them
22 where they lived.

23 You didn't have an option in Sana'a in 2005 to 2008.
24 You were required to live on the Hunt Oil Compound.

25 The Ambassador, I believe, lived in the embassy, but

1 that's who got the embassy housing. That's not the other
2 people who were working there.

3 Obviously, there were Marines there to protect the
4 embassy as well, and they lived in housing as well.

5 So let's talk about that circumstance. What we have
6 is we have a different world. We have a different culture. We
7 have a different environment. And we have different living
8 conditions.

9 Ladies and gentlemen, that wouldn't excuse any of
10 what Ms. Lim Patterson said this morning. Nobody is claiming
11 it does. It didn't happen. That's what you're going to find
12 in this case, it didn't happen at all.

13 What happened in this case is that in early 2006 Mrs.
14 Howard met the plaintiff, who was working at a
15 restaurant/cafeteria at the embassy. She was -- I don't
16 remember exactly as I stand here, she was a waitress or a
17 cashier. The evidence will show you what position she held.

18 That's all. They didn't become friends. Nobody
19 targeted anybody. And eventually what happened is the
20 plaintiff lost her job at the restaurant in the embassy. And
21 the Howards didn't see her for several months.

22 And then Linda Howard got a call. Yes, it was Linda
23 Howard that got a call from the plaintiff. Not the other way
24 around. She got a call from the plaintiff that says, I lost my
25 job, is there anything that you can do to help find me a job?

1 And Linda Howard said, yeah, I think I can.

2 She got her a job at the embassy doing an entry level
3 data entry position, which was a temporary position that
4 allowed -- that allowed the plaintiff to find employment at the
5 embassy, to get paid for it. And by the way, she did all the
6 data entry in English, just so we can be clear about that.
7 That project lasted for two or three months. And then the
8 project ended.

9 The Howards then were on holiday actually in France
10 when Linda Howard got another call. Linda Howard didn't make
11 another call, she received another call. And the call was from
12 the plaintiff. The plaintiff told her, I can't find a job, is
13 there anything you can do to help me?

14 Well, Linda knew that the plaintiff in this case had
15 experience in restaurant work, so she checked around, but
16 couldn't find any restaurant jobs available. What she said to
17 her was, we'll be back in Sana'a in a few days, come see me.
18 And, you know, we don't have a housekeeper right now, it's not
19 what you do, but we'll interview you and see if maybe you could
20 work for us as a housekeeper until you find something.

21 So when the Howards returned to Yemen, to Sana'a,
22 that's exactly what happened. What happened was the plaintiff
23 came to their residence. And let's understand, you're going to
24 know that their residence looked like by the end of this trial.

25 What the residence looked like was that there was

1 a -- essentially what amounted to a three bedroom apartment.
2 It was a two bedroom apartment with an office, a dining room, a
3 kitchen, and so forth, but it also had en suite living
4 quarters. I didn't know what that was. But en suite living
5 quarters are a separate bedroom, with its own bath, with a
6 separate door that locked. And that was the quarters to be
7 used by the housekeeper that was going to live in at the
8 residence.

9 You know, there are a whole bunch of reasons why you
10 have a live-in housekeeper. If you are a family, a husband and
11 wife where, you know, there aren't any children, you're working
12 10, 12, 14 hours a day, as Linda Howard was, and didn't know
13 when she would go and when she would come.

14 Now, by this time, by the way, Russell Howard had
15 retired as a diplomat with the Australian government. However,
16 that didn't mean he didn't do anything. He worked as well as a
17 consultant for the United States Embassy during this period.

18 When he needed to go to the embassy, even though he
19 was an Australian, and even though he was a consultant, they
20 sent an armored car for him too because they couldn't take the
21 chance -- you couldn't go anywhere in that area if you were an
22 American employee.

23 Now, one of the things you need to understand, by the
24 way, is you might hear some talk about the fact that most of
25 the housekeepers, in fact all of the housekeepers that the

1 Howards had, were Ethiopian. Yep, that's right. And there is
2 a reason for that.

3 Yemen is predominantly a Muslim country. Yemeni
4 women as Muslim women are not allowed to be in a house with any
5 kind of a man who is not their husband. They don't work as
6 housekeepers.

7 When Linda Howard came to Yemen in the -- and by the
8 way, they aren't allowed in restaurants either. And by the
9 way, neither was Linda Howard allowed in a restaurant in Yemen
10 except for the western hotel restaurants, the Sheraton and two
11 others in Sana'a. It is a different culture, it's a different
12 environment.

13 And so that you understand how the Howards found
14 their initial housekeeper, Linda went to the embassy
15 communication or Community Liaison Office that had a list of
16 people who might be available to work as housekeepers, as
17 live-in housekeepers.

18 And Linda, the evidence will show you and Linda will
19 tell you, that the list that she got, she was shown, consisted
20 entirely of Ethiopian women who were unmarried because if they
21 are married and they have a family, they're not going to be a
22 live-in housekeeper, and one or two Filipino women who were
23 living in Sana'a. The vast majority were Ethiopian women.

24 So it is not surprising at all that anybody who had a
25 live-in housekeeper had a woman who was born in Ethiopia.

1 Nothing unusual about that in this environment, in this
2 environment.

3 So when they got back, they interviewed the
4 plaintiff. And they gave her an explanation of what her duties
5 were. And they sure were a whole lot different from what you
6 heard Melissa Lim Patterson tell you her duties were. What she
7 was told was that it was her job to be the housekeeper. She
8 was supposed to clean the house. She was supposed to do the
9 laundry. She was supposed to help Russell Howard with the
10 meals.

11 Why help Russell Howard with the meals? Because the
12 evidence will show he was a gourmet chef. And she was supposed
13 to assist, and he could teach her some things at the same time
14 about cooking as a matter of fact, about cooking.

15 And then afterwards, she was supposed to serve dinner
16 when Linda came home from work, and Russell and Linda would
17 have dinner. She would clean up after dinner. And she was
18 off.

19 80 to 95 hours a week? Here is what the evidence
20 will tell you her schedule was. She worked, she worked
21 Saturday morning through Wednesday. Because in Yemen, the
22 weekend is Thursday and Friday, for the State Department and
23 for other people. She worked Saturday morning through
24 Wednesday.

25 On those days, she worked from 9 in the morning to

1 lunchtime. She had afternoons off. She was expected to be
2 back by about 4 or so to start helping prepare dinner. She
3 worked through the end of dinner and cleaning up. And she
4 usually finished by about 9:30 or so. And then she was done.
5 And she could go back to her room and watch television, because
6 she had one. And it was an en suite with a locking door.

7 And Linda will tell you, Linda Howard will tell you,
8 she had a key to that door. Just like she had a key to the
9 front door of the apartment. Because one of the things she
10 could do during the daytime was she could go out to the market
11 to get vegetables and things like that.

12 Why did I say Saturday through Wednesday? Because on
13 Thursday she worked in the morning, she worked until lunchtime,
14 and then she was off. She had Thursday afternoon and evening
15 off. She had Friday all day off. She had no more duties until
16 Saturday morning at 9 o'clock.

17 And the evidence will show you that she didn't spend
18 that time in her en suite room. She went out. She went out
19 with her friends. She went out to do whatever she does. Linda
20 Howard did not ask her what she was doing when she was out.
21 Mrs. Howard will say, well, that's her personal time, that's
22 none of my business.

23 So the evidence will show you that the plaintiff
24 frequently went out in the afternoon, didn't come home on
25 Thursday night. Or if she went out, didn't come home on

1 Friday. And came back on Saturday. That doesn't sound like
2 being kept locked up to me. And you're going to have to listen
3 to the testimony.

4 Nobody is suggesting that the plaintiff in this case
5 engaged in inappropriate conduct when she was out. Linda
6 Howard has no idea because, as Linda will tell you, it wasn't
7 her business. It was the plaintiff's private time. But to say
8 that she was afraid to go anywhere is just not true.

9 Now, those were her duties. And do you know how much
10 she was paid for that? This isn't Alexandria. This is Sana'a,
11 Yemen. She paid -- she was paid \$150 a month. Sounds low. It
12 was exactly the amount that the plaintiff asked to be paid from
13 the Howards. \$150 a month.

14 And you know what? The evidence will show that was
15 the going rate for housekeepers in Yemen at about that time.
16 And not only that, it was probably substantially more than
17 Yemeni civil servants were making.

18 And the evidence will show you that you're talking
19 about one of the poorest countries on earth where most of the
20 people are living on a dollar a day. \$150 a month, plus your
21 room, an en suite room where you don't pay any rate, plus your
22 food where you don't have to buy any food, that's not so bad.
23 That's not so bad.

24 What I'm talking about here is the claim of forced
25 labor where she is allegedly underpaid. She did not work 80 to

1 95 hours a week. She did not receive slave wages in Yemen.
2 She received a lot more than the average Yemeni commoner made.
3 And she had benefits on top with respect to her living
4 quarters, with respect to buying food, and from time to time
5 other things as well.

6 By the way, it's true that the Howards occasionally
7 bought clothes for her when she needed them. They didn't buy
8 her a uniform. In fact, there were some people who wanted to
9 wear uniforms as housekeepers. In the first interview Linda
10 Howard specifically recalls asking the plaintiff, do you want
11 to wear a uniform or do you want to wear your own clothes? And
12 the plaintiff said, I would like to wear my own clothes. And
13 Linda said, fine. That was the end, that was the end.

14 What you won't hear, you won't hear any testimony at
15 all that anybody ever saw her in a maid's uniform because it's
16 not true, it never happened.

17 Speaking of not hearing from anybody else, what else
18 you're not going to hear in this trial is you are not going to
19 hear a single witness testify that they ever saw, or personally
20 observed, or had personal knowledge of Russell or Linda Howard
21 ever acting inappropriately, sexually or otherwise, with
22 respect to this plaintiff. There will be no testimony that
23 anybody saw anything bad in this situation. Or inappropriate
24 at all. You won't have any testimony about that.

25 You will have the plaintiff's testimony. And you

1 will have Linda Howard's testimony. And what you need to do is
2 you need to gauge, as Judge O'Grady said, the probability or
3 improbability of the witnesses' testimony.

4 And the improbability of the testimony leads me to
5 one of the next things that you might want to consider.
6 Russell Howard in 2005, 2007, wasn't 25 or 30 years old. He
7 was in his sixties.

8 This is not a claim where the plaintiff says, well,
9 you know there were four or five occasions when Russell Howard
10 got drunk and sexually abused me. Nope. What you're hearing
11 is a plaintiff who claims that every morning right after
12 breakfast Russell Howard came in and raped her. And then again
13 in the afternoon when she got back from her time off, he did it
14 again. Over 200 rapes she claims in less than 200 days. In
15 six months. That works out to about what, if my math is right,
16 it's about 180 days. Over 200 rapes.

17 She went out on Thursdays. She went out on Fridays.
18 She had time off. She didn't come back after the evenings.

19 Ladies and gentlemen, I want you to think about what
20 this plaintiff is testifying about here. I want you to think
21 about whether you can believe that this is over the top as far
22 as trying to pin a civil liability for money damages on Linda
23 Howard. This is called going too far in creating the story,
24 the evidence will show you.

25 You know, with respect to those things -- by the way,

1 you'll also hear testimony about the fact that occasionally the
2 Howards went out to a place called the Marine Club. The Marine
3 Club was on the base. It was a place where every other
4 Wednesday or so the Marines hosted personnel for barbecues.
5 They invited staff members of the embassy. They invited people
6 who were working at the embassy who were Yemeni or Ethiopian,
7 mostly Ethiopian. But they also invited -- so the plaintiff in
8 this case went to that sometimes. Sometimes the Howards took
9 her because it was a social event that occurred occasionally.
10 They would have a barbecue. There would be dancing.

11 And, you know, there aren't a whole lot of places in
12 Yemen that you can go dancing, not if you think you want to
13 return home. So anyway, the plaintiff in this case would go
14 with them.

15 Well, the Howards, because it was a Wednesday night,
16 the Howards were tired, they usually got home -- they usually
17 left 8, 8:30, and the plaintiff used to get home later than
18 that. Nothing wrong with that, she's younger. She used to
19 come in, because Mrs. Howard will testify she could hear the
20 key turn 2, 3 in the morning sometimes. Nothing wrong with
21 that.

22 But what's wrong with it is saying that she was
23 petrified, she was terrified, she didn't do anything, she had
24 nowhere to go, she was raped two times a day for six months.
25 It doesn't add up, ladies and gentlemen. And it shouldn't add

1 up because, frankly, it's not true.

2 After about six months -- and by the way, they hired
3 her, I think I told you this before, they hired her to say
4 that, you know, you can work for us until we can find you a job
5 that you like at a restaurant.

6 Well, you know, one of the things that Russell Howard
7 did while he was also working for the embassy was he helped at
8 the Hunt Oil Compound restaurant in order to do their accounts.
9 And so, he had some contacts down there.

10 And I think the evidence will also show that he
11 tended to play cards down there with his friends. You know,
12 you have sort of limited social opportunities when you are in
13 Sana'a, Yemen in a secured community. So he would go down
14 there with some of his friends to play cards.

15 And eventually a job opened up. Eventually a
16 restaurant job opened up. And you know what, the plaintiff
17 left the employ of the Howards and she got a job at the
18 restaurant. And you know what, the Howards helped her get the
19 job.

20 You will actually see a letter of recommendation that
21 Linda Howard wrote for the plaintiff. Now, the plaintiff says,
22 oh, but it was written to keep me quiet. It was written
23 because the owner of the restaurant, who knew Russell Howard,
24 and who had offered a job to the plaintiff, asked to have one
25 for his files, a recommendation with respect to this plaintiff.

1 And Linda said, sure, I will do that. And that's exactly what
2 happened in this case.

3 Again, there won't be any witnesses here who will say
4 a thing about ever seeing Russell Howard or Linda Howard do
5 anything inappropriate.

6 But you know, here we are in the United States, as I
7 bring us back to the present. And here we are with the
8 plaintiff sitting in this courtroom, and not in Sana'a, Yemen,
9 where people earn \$150 a month and they think they are happy
10 about it. The plaintiff here lives in Arlington. She came
11 here with her daughter in 2014. She came here with her
12 daughter because she claimed she was the victim of human
13 trafficking. And because she was the victim of human
14 trafficking and wanted to come here, quote, to defend herself,
15 she came to the United States, the first place she lived was
16 right here in Alexandria, ladies and gentlemen. And then she
17 moved to Arlington.

18 And she gets to stay here with her daughter. She is
19 here with her daughter who is in the first grade in school in
20 Arlington, not trying to find out whether she has a school that
21 is not bombed out in Yemen or in Ethiopia. She is here.
22 That's an undisputed fact. She is sitting right there.

23 And here we are in 2017, and we're in a courtroom in
24 Alexandria, Virginia, and she is claiming that she was abused
25 both as to forced labor and as to sexual abuse by Russell

1 Howard, who is dead and can't defend himself. And here we are.

2 At the end of this case, ladies and gentlemen, we're
3 going to ask you the same question I asked you a few minutes
4 ago. You are going to need to figure out who you believe.
5 That's exactly what you're going to need to do because these
6 two stories are as far different as they could possibly be in a
7 civil trial. There is no way, there is no way both of these
8 people are telling the truth.

9 I am going to ask you to conclude that Linda Howard
10 is telling the truth. I am going to ask you to conclude at the
11 end of the trial that in addition to coming to the United
12 States and getting to stay here as she is, which is pretty
13 good, there is no reason to award this plaintiff massive
14 monetary damages on top of it. Because the fact of the matter
15 is, ladies and gentlemen, this didn't happen. And she is not
16 entitled to any damages at all.

17 Thank you.

18 THE COURT: All right. Thank you, counsel.

19 First witness.

20 MR. SALINAS: Your Honor, plaintiff's first witness
21 is Mike Meszaros.

22 THE COURT: All right.

23 NOTE: The witness is sworn.

24 MICHAEL MESZAROS, called by counsel for the
25 plaintiff, first being duly sworn, testifies and states:

1 DIRECT EXAMINATION

2 MR. SALINAS:

3 Q. Mr. Meszaros, can you please state your full name for the
4 record, please.

5 A. Michael Meszaros.

6 Q. Can you spell that, please.

7 A. M-e-s-z-a-r-o-s.

8 Q. Mr. Meszaros, do you know the defendant in this case,
9 Linda Howard?

10 A. I do.

11 Q. How do you know her?

12 A. I served at the U.S. Embassy in Sana'a, Yemen from 2008,
13 January 10 of 2008 until March 30 of 2011. So we overlapped
14 for the year of 2008.

15 Q. And why are you here today?

16 A. I'm subpoenaed by the Jones Day law firm.

17 Q. Okay. Before I get to your career with the State
18 Department, can I first ask you, when did you graduate from
19 high school?

20 A. I graduated from high school in 1974.

21 Q. And What did you do upon graduating from high school?

22 A. Two weeks later I was in the Marine Corps.

23 Q. And how long did you serve in the Marine Corps for?

24 A. Four years, 1974 to 1978.

25 Q. And when did you do in the U.S. Marine Corps?

1 A. I was a Red Eye gunner, second Red Eye platoon. It's an
2 anti-air missile, shoulder fired.

3 Q. You said you served for how many years?

4 A. Four years.

5 Q. What did you do upon -- did you serve anywhere abroad in
6 the Marines?

7 A. I took two floats. I took a NATO float to Norway,
8 Denmark, and Germany. And I took a partial Med float to Turkey
9 and Spain.

10 Q. When were you discharged from the Marine Corps?

11 A. June of 1978.

12 Q. And what were the circumstances of your discharge?

13 A. It was an honorable discharge. I was a Sergeant.

14 Q. What did you do upon leaving the Marines?

15 A. College. I went to Youngstown State University from 1978
16 to 1983.

17 Q. Did you obtain a degree from Youngstown State?

18 A. Political science major and a history minor.

19 Q. And what did you do after that?

20 A. Law school, three years at Cleveland State University,
21 1983 to 1986.

22 Q. And you graduated from Cleveland State?

23 A. I graduated from Cleveland State Law School in 1986. I
24 took the Ohio Bar exam in 1986. Passed the Ohio Bar exam. I
25 later decided I wanted to see maybe if there were some career

1 horizons opened up, so I took the Pennsylvania Bar exam in
2 1990. And I got a high enough score I could waive into D.C.

3 So I was licensed to practice law in Ohio, currently
4 inactive; Pennsylvania, inactive; and D.C., active.

5 Q. And when did you join the State Department?

6 A. I joined the State Department in 1986.

7 Q. In what position did you start out as?

8 A. I started out with the Diplomatic Security Service.

9 Q. Can you explain, Mr. Meszaros, what the Diplomatic
10 Security Service is.

11 A. That is the branch of the State Department that provides
12 security to overseas embassies. And they also do a lot of work
13 in regard to passport fraud and visa fraud.

14 Q. And where did you first start working when you began that
15 job?

16 A. I was working as a paralegal for the Diplomatic Security
17 Service. And I later found another job with the Bureau of
18 Consular Affairs at the State Department as an attorney
19 advisor. And I got that position in December of 1990. And I
20 basically was in that position until I retired at the end of
21 2016.

22 Q. So you worked at the Bureau of Consular Affairs for how
23 long?

24 A. 1990 to 2016. That's about 26 years.

25 Q. What is the Bureau of Consular Affairs?

1 A. The Bureau of Counsel Affairs is a division within the
2 State Department that issues passports, issues visas, takes
3 care of American citizens abroad.

4 Q. So did you serve abroad while you were working for the
5 Bureau of Consular Affairs?

6 A. I served abroad on several occasions. I had excursion
7 tour, which I have already mentioned, in Yemen from January of
8 2008 until the end of March in 2011.

9 I had four assignments as the head of the Consular
10 Section at the U.S. Embassy in Monrovia, Liberia, that was
11 1995, 1998, 2003, and 2004.

12 I had three temporary assignments in the Consular
13 Section of the embassy in Dhaka, Bangladesh. One time I was
14 heading the section, and two times I was helping them out.

15 I served for a month helping out the embassy in
16 Baghdad, Iraq in 2005.

17 I also took part in several missions regarding
18 assisting Americans overseas in crisis situations.

19 In 1995 I went to Cali, Colombia to assist the
20 survivors and help relatives with the remains of the deceased
21 in the airplane crash in Cali, that was an American Airlines
22 flight.

23 In 1998 I went to Halifax, Nova Scotia to assist the
24 relatives of the people in the Swiss Air flight.

25 Let's see, I was also -- oh, in 1996 I went to Dakar,

1 Senegal to evacuate, help evacuate the embassy in Monrovia,
2 Liberia. Because it was a shipment point, people were
3 evacuating from Liberia and going to Dakar, Senegal. And we
4 helped with their papers there.

5 In 1997 I was almost three months as head of the
6 Consular Section in Almaty, Kazakhstan.

7 I also assisted in 1991 at the U.S. Embassy in
8 Port-au-Prince, Haiti during a coup there.

9 And there is some others, but I'm having a hard time
10 recalling them.

11 Q. And so, when you weren't serving these assignments abroad,
12 where were you working for the State Department?

13 A. I was an attorney advisor in the Consular Bureau. I
14 drafted guidelines, regulations, answered questions on
15 acquisition of citizenship. I dealt with loss of citizenship.
16 Arrest of Americans abroad. Enforcement of judgments abroad.
17 Service of process abroad. A myriad of legal issues that
18 Americans encounter overseas.

19 Q. And where were you based out of when you weren't serving
20 all of these assignments?

21 A. Washington, D.C.

22 Q. And when did you say you retired from the State
23 Department?

24 A. That would be December of 2016.

25 Q. And during the course of your career, did you receive any

1 meritorious honors?

2 A. I have one Superior Honor award, five Meritorious Honor
3 awards, at least five Group Meritorious Honor awards, three
4 Franklin awards, three quality step increases, performance pay
5 increases, and I have an award from the Canadian government.

6 Q. What is a Superior Honor award?

7 A. The Superior Honor award is the highest award the State
8 Department -- well, there is a hierarchy. The Franklin award
9 is lowest, Meritorious is next, and then there is Superior.
10 And then there is some awards that are actually a little higher
11 than Superior, but Superior is generally the highest.

12 And Superior was -- that was awarded for my, I went
13 to Liberia in 2003 and served there during the siege of
14 Monrovia, the embassy was taking mortar fire and rifle fire. I
15 helped evacuate Americans out of there.

16 Q. Okay. So, Mr. Meszaros, now I would like to talk a little
17 bit about Yemen. How were you assigned to serve in Sana'a?

18 A. They had a position open and I volunteered in 2007.

19 Q. Why did you volunteer?

20 A. I thought it would be a good position for me. They had
21 danger pay, and that attracted me. I thought it would be a
22 good fit. The embassy needed real help in the Consular
23 section.

24 Q. And when in 2017 did you volunteer?

25 A. That would probably be in the spring of 2017. As I

1 recall, I was serving on the passport task force. We had a
2 big -- and they currently are doing this right now. They had a
3 big push to issue passports because they lacked personnel to
4 issue passports. And I remember I was on the passport task
5 force when I was apprised of this and took the opportunity.

6 And I attended a number of training courses in the
7 fall before I went.

8 Q. Okay. Can you talk a little bit more about those training
9 courses.

10 A. That would be visa processing. Consular fraud. Consular
11 interviewing. There were about -- Consular systems. There
12 were about four or five others.

13 Q. And so, are these courses teaching you how to perform
14 those functions?

15 A. Some of these functions I already knew, but, yeah, they
16 are teaching you, yes.

17 Q. Was there any training specific to Yemen prior to the
18 assignment?

19 A. No, there really wasn't any training specific to Yemen.
20 The only training specific to Yemen that I had was in 2010
21 before I left Yemen, I went through what they call the
22 crash/bang course. Which is basically defensive driving and
23 counterterrorism, anti-counterterrorism. Basically you ram --
24 you learn how to ram a car. You learn the defensive maneuvers,
25 which is basically reversing out to get away if the bad guys

1 are chasing you.

2 Q. So prior to your arrival in Yemen, did you do any research
3 about the country?

4 A. I did a lot of research about the country.

5 Q. What did you learn?

6 A. It's a very corrupt society. There is corruption at all
7 levels of government. The government was at the time
8 inherently unstable. And since then it's even worse because
9 the U.S. Embassy has suspended operations there in the midst of
10 a civil war. It's a very difficult and challenging
11 environment.

12 Q. What's the culture like?

13 A. This is Arabic --

14 THE COURT: His personal experience?

15 MR. SALINAS: Sure. Sorry.

16 THE COURT: Let's limit him to his personal
17 experience now. All right.

18 BY MR. SALINAS: (Continuing)

19 Q. What did you learn about the culture?

20 A. There is corruption in all levels of society. It's
21 unusual -- it's one of the most unusual countries I have ever
22 been to. About 2 o'clock in the afternoon every day the whole
23 country starts chewing khat, which this is mildly narcotic
24 drug. And basically they are, they are zoned out for quite
25 awhile.

1 I mean, stores and shops are open, but sometimes you
2 go into a shop, like one of the shops right next to the
3 embassy, they would have an assistant for each aisle, an
4 employee who was in charge of each aisle, and he would be
5 sitting on the floor chewing khat.

6 So it was an interesting place. It was -- there is a
7 lot of narcotics there, they are chewing khat. There is -- the
8 government just -- it always just seemed to barely function.
9 There was continuous danger, the government might be
10 overthrown.

11 Of course, we were attacked three times in 2008 when
12 I was there. The first attack was they fired mortar at the
13 embassy compound. And I believe it hit a wall, and it also hit
14 a girl's school. And I have read differing reports, it may or
15 may not have killed a girl.

16 The second attack I believe was, if I remember
17 correctly, was in April of 2008, and they attacked us on the
18 housing compound. And it was another -- it was another mortar
19 fire. They fired a mortar and they hit, I believe they hit the
20 building that we had the restaurant in, and it hit the side of
21 the building and left a hole like that.

22 And then the third attack, the big attack was in
23 September of 2008. And that was when -- I have read differing
24 accounts, either 18 or 19 people were killed at the gate.

25 Seven terrorists, apparently they stole Yemeni Army

1 uniforms from a dry cleaner, and they got -- they rigged bombs
2 from propane tanks and they drove up to the gate of the
3 embassy. And the guard wouldn't let them in. And I am trying
4 to recall this brave fellow's name, and I can't. But when he
5 wouldn't let them in, they shot him. And they did get in, and
6 they drove their truck up to the wall and they blew off part of
7 their bombs.

8 And it didn't -- from what I recall, what had
9 happened was they blew the gate off its hinges, but they didn't
10 realize it. And the surviving people, the surviving
11 terrorists, they were armed with AK-47s, they killed again like
12 18 or 19 people. But then they didn't, they either didn't have
13 the sense to push in the gate, and they probably could have
14 climbed over the wreckage to get at us, but they didn't do
15 that. They just blew themselves up against the gate.

16 Usually there is a big Yemeni Army contingent that is
17 supposed to provide security, but they all ran away when the
18 attack happened. And if I remember correctly, our Regional
19 Security Officer was out of the embassy visiting the British
20 Embassy for a meeting, and he came to the embassy during the
21 attack and there were some Yemeni Army troops nearby, and he
22 tried to rally them, and they just ignored him.

23 But again, that's indicative of the inherent
24 instability and the danger in the country.

25 Q. Okay. So let me go back a little bit. When did you

1 actually arrive in Yemen?

2 A. I believe the date was January 10, 2008.

3 Q. What was your job at the embassy upon arriving?

4 A. I was the deputy chief of the Consular section. And over
5 the course of the three years, I ended up as the acting chief
6 for a good bit of that time.

7 Q. Can you just provide a brief description of what your
8 responsibilities would be then.

9 A. Basically I was in charge of the American citizen
10 services, issuing the passports. There was a big trade in what
11 we call the consular report of births abroad, which is a
12 document we issue to newly born American citizens who were born
13 overseas.

14 We would issue, at the time we issued extra pages for
15 passports. I would also work on the immigrant visas. I mainly
16 answered congressional inquiries on the immigrant visas. I did
17 some of the non-immigrant visas.

18 The main duty that I can recall that I did was I
19 would make sure that the Yemeni Army people who needed to be
20 trained in the United States got their proper non-immigrant
21 visas.

22 Q. As part of your job, did you have to deal with the legal
23 system in Yemen at all?

24 A. Yes. We would often, when an American was arrested, we
25 would often attend the court proceedings, make sure that they

1 weren't being discriminated against simply because of -- on the
2 basis of their American citizenship.

3 So I did observe a number of Yemeni court
4 proceedings.

5 Q. What were your impressions of the Yemeni court system?

6 A. Chaotic, unfocussed. I was told it was corrupt. I didn't
7 see any evidence of corruption itself, but it was most
8 interesting. The lawyers wear robes. There seemed to be
9 considerable -- it was hard to focus on what was going on even
10 when the judge was sitting there.

11 Q. Why is that?

12 A. Because it was chaotic. There was a lot of voices going
13 in, there were people going in and out. It was not on
14 organized proceeding.

15 Q. How did the system treat foreigners, in your observation?

16 A. It's difficult to say. I didn't really think that
17 Americans were actually discriminated against simply because
18 they were Americans, but it seemed that they were targeted,
19 particularly for -- alcohol was readily available in a number
20 of outlets, but a lot of the Americans would get caught
21 drinking alcohol. I can't explain that. They would usually
22 get a fine, or they actually would give them a caning.

23 Q. Did you observe how the system treated women?

24 A. It is one -- Yemen is one of the worst countries there is
25 for treatment of women. One of the big issues out of Yemen is

1 child marriage. And people as -- women as young as 14 were
2 made to take part in arranged marriages.

3 And we actually saw several of them at the embassy.
4 And I asked for guidance sometimes. And usually it was a girl
5 who had been married at 14, and she was now 19 and she already
6 had a couple of kids. And we would wonder, well, is this
7 marriage legal? Is this thing something we can -- we would
8 have problems with. And usually the answer was, well, no,
9 let's treat this child as an American citizen.

10 There was discussion as to whether the marriage was
11 void for all purposes from the inception, but we really didn't
12 want to go that route. We treated them as American citizens.
13 There was a -- I am drawing a blank on it, but there was a
14 really prominent case at the time I was there of a girl who was
15 11 and was a victim of a forced marriage. And she made world
16 headlines, is my recollection, because she was able to get a
17 divorce there.

18 So that's basically -- it's pretty -- as far as
19 treatment of women, it's pretty backwards.

20 Q. Okay. Let's talk a little bit about the embassy then.
21 How many people worked at the embassy in Yemen when you arrived
22 in 2008? About how many?

23 A. I was -- I kept track of what they called the F77, which
24 keeps track of the official Americans there. And my
25 recollection is there could have been 150 to 175 official

1 Americans and their dependents.

2 Now, the embassy would, the embassy employment would
3 have been much larger because the largest core contingent at
4 any embassy is the locally engaged staff. And we had a large
5 locally engaged staff. The biggest numbers of those would be
6 the security guards and the drivers. And so there was -- there
7 were many more than the number of official Americans were
8 employed as locally engaged staff.

9 Q. When you say official Americans, can you just explain what
10 that means.

11 A. That would be an American who is under Chief of Mission
12 authority who is directly working with and responsible to the
13 embassy.

14 Q. And so, of that number, how many did you say earlier did
15 you think official Americans there were?

16 A. 150, 180.

17 Q. Of that number, about how many do you think worked for the
18 State Department at the time?

19 A. My impression was always that the State Department was
20 maybe half or a little under a half because there were a lot of
21 other agencies there that were working at the U.S. Embassy in
22 Sana'a.

23 The Legat, which is the FBI, had a strong contingent.
24 The Agency for International Development had a large group.
25 DoD, Department of Defense, defense attaché, that was another

1 large group.

2 Q. So can you try to give a rough estimate of how many State
3 Department people there would have been then?

4 A. 80, 80 or 90. It is hard to keep -- to remember the
5 numbers. I'm just giving a rough estimate.

6 Q. How would you describe the State Department community at
7 that time in 2008 when you arrived?

8 MR. RINALDO: Objection, Your Honor. I don't know
9 what that means.

10 THE COURT: Yeah. Why don't you rephrase the
11 question.

12 BY MR. SALINAS: (Continuing)

13 Q. Well, did you socialize with the State Department
14 community often when you were there?

15 A. I had friends -- well, I had friends in the State
16 Department, yes. And I had friends in the rest of the DoD and
17 such, yes.

18 Q. Did people get along in the State Department community?

19 A. Yemen was probably one of the more cliquish places that I
20 have been to.

21 I use as an example, 2003 in Liberia when I went in
22 there, I mean, all those guys are all my friends, friends for
23 life.

24 Yemen, despite the three attacks, it was more people
25 didn't really bond as much together. They had some social

1 activities. Like every Wednesday -- well, not every Wednesday
2 night, but on some Wednesday nights at the Marine house -- and
3 we also had on Thursdays, we had a social gathering that they
4 called Blind Pirates. Where they would -- we would go to the
5 embassy on Thursday -- weekends in Yemen were Thursday and
6 Friday at the time. And we would go to the embassy on Thursday
7 and play volleyball and drink beer.

8 Q. I think you said you called it cliquish. What were some
9 of the cliques within the State Department community?

10 A. Consular, guys in the Consular section hung around. The
11 political section. Even though there was a political position
12 that rotated in the Consular section, there was people -- they
13 generally stayed together.

14 And it probably is better to say embassy community.
15 Because your socializing with everybody who is employed at the
16 embassy. There is some groups that were pretty -- you really
17 couldn't break into them.

18 Q. Would you say that you were a member of one of those
19 cliques?

20 A. Well, I was in the-- yeah, the Consular group most
21 definitely. And we would have some Wednesday evenings after a
22 particularly tough week, we would have a consular bottle of
23 scotch. Yeah.

24 Q. In your observation, were the Howards a member of one of
25 the cliques?

1 A. Linda and Russell tended to -- while they would go to the
2 Marine house, they tended to socialize with people in the Hadda
3 Compound who worked for Hunt Oil?

4 Q. Okay. So let's talk about that then. What is the Hadda
5 Compound?

6 A. The Hadda Compound is our -- was a place where a lot of
7 the official Americans lived. They built a brand new embassy
8 with a lot of security features, a big wall, and they placed it
9 at one end of the capital city Sana'a.

10 And the Hadda Compound, which was one of the only
11 appropriate and secure housing facilities -- it was an
12 apartment complex. And if I remember right, it was owned by
13 a -- by people from the United Arab Emirates. The Hadda
14 Compound was at the other end of the town, necessitating a long
15 drive to work, which at times could be very dangerous.

16 The State Department housing, they made
17 determinations for housing based on how secure it is. The
18 Hadda Compound was -- it had very high fences with iron spikes
19 on top of it. It had two entrances, one to the main street in
20 Hadda -- Hadda is like the Beverly Hills of Sana'a. And they
21 had a rear entrance that most everybody used on the back.

22 And what the State Department determined is that this
23 is a secure housing facility that would provide some protection
24 against any terrorist attack.

25 Now, there were -- the embassy also provided homes

1 for people. Most of the homes were in another compound.
2 Again, it had very secure facility, very big walls and spikes
3 on top of the walls and restricted access. I guess we would
4 call it a gated community. It is probably more accurate to
5 refer to it as a fortified community that really restricts
6 access.

7 And again, the main consideration is security. And
8 these determinations were made, these properties were purchased
9 and leased -- well, leased in almost every case long before we
10 came to Yemen.

11 Q. And so, where did you live?

12 A. I lived in the Hadda Compound.

13 Q. And where did Linda and Russell Howard live, do you know?

14 A. They lived in the Hadda Compound.

15 Q. Where in relation to your apartment was their apartment?

16 A. I am not quite sure. I heard it was on the ground floor.
17 Again, I probably -- it had a jogging track that went around it
18 made of stone, so I probably went past there. I never went to
19 their apartment or socialized with them in their apartment.

20 Q. How did you decide to live on the Hadda Compound?

21 A. The housing board, of which I later became a member, makes
22 a determination based as -- mainly as to rank of the
23 individual, and relying somewhat on individual preference as to
24 where they will place the individual.

25 And at the time, I didn't feel like I really wanted a

1 house. And they said, oh, well, there is a small, two-bedroom
2 apartment available in Hadda. And I said, yeah, that sounds
3 good to me.

4 Q. How was your apartment paid for?

5 A. State Department paid for all the housing.

6 Q. Do you know approximately how many embassy employees and
7 their families lived on the compound in 2008?

8 THE COURT: In Hadda, in the Hadda Compound?

9 Q. Yes.

10 A. I am not sure. I mean, well, we had Linda Howard.
11 Clayton Beatty and his wife right in my particular building.
12 The Assistant -- I was on the second floor, and the Assistant
13 Regional Security Officer, she was on first floor.

14 I would say there was at least ten units were embassy
15 employees.

16 Q. Did other people live on the compound as well in addition
17 to embassy employees?

18 A. Yes. That compound was mainly rented out to a lot of ex-
19 patriots. Hunt Oil were there. There was another oil company,
20 I think their name was Schlumberger who was there. There were
21 several ex-patriot groups. And there were some, some somewhat
22 well off Yemenis who lived in there.

23 Q. What was your apartment like?

24 A. It was a two bedroom that would probably be a little
25 bigger than a standard American two-bedroom apartment. The key

1 thing that sticks in my mind is the whole complex was very
2 brown. The big walls were brown, the buildings were brown, the
3 tile on the floor in the rooms were brown, the doors were
4 brown. It was a very brown establishment.

5 They had an air conditioner, and it is one of these
6 air conditioners, it's a European type air conditioner that is
7 up close to ceiling.

8 Most of the people would open the windows, keep the
9 windows open a lot. It was a rather temperate climate. If you
10 opened the windows at all though, you got a lot of dust and
11 sand.

12 Q. Do you know if all the apartments were the same?

13 A. I'm pretty sure from my time in the housing compound that
14 they weren't the same. Some varied, two bedroom, three
15 bedroom.

16 Q. Do you know how the housing board assigned particular
17 employees particular apartments?

18 A. Again, it would be rank and given some consideration to
19 the personal preference. I remember quite well one meeting
20 where we assigned, it was the new person to head the Agency for
21 International Development. And he, because he was expected to
22 do some entertaining, he got, I believe it was -- this was
23 already a leased property of the United States government. It
24 actually had an indoor swimming pool and I think it had six
25 bedrooms.

1 Q. What other amenities did the compound have?

2 A. The compound did have a swimming pool. It had a gym. It
3 had a small restaurant. If I remember right, the restaurant
4 was in building B7. And we referred to the restaurant, I think
5 it was just as B7. The food was terrible. But I would go
6 sometimes out of self-defense. And I liked the waitress and
7 the waiter there, and I would give them extra tips.

8 Q. Was there a grocery store on the compound?

9 A. No.

10 Q. Where did you go to the grocery store?

11 A. The most common place was right across the street, it was
12 called Jondul. And it was fairly popular with the ex-patriot
13 community. Down the street there was a place that was roughly
14 the equivalent of the WalMart of Yemen, and I can't recollect
15 the name of that. Usually you could accomplish what you needed
16 just shooting over to Jondul.

17 Q. And is Jondul the one right across the street?

18 A. Jondul is the one right across the street.

19 Q. What type of security did the Hadda Compound have?

20 A. The Hadda Compound at the beginning and throughout 2008
21 had a private security force that the owner of the Hadda
22 Compound paid for. I think they -- I don't think they were
23 armed with anything, although I could be wrong. Usually the
24 local guards at the U.S. Embassy had billy clubs. I can't
25 recall if the Hadda guards had any armament.

1 Q. Did the security guards at the Hadda Compound every lock
2 it down for security reasons?

3 A. No.

4 Q. Was it safe to leave the compound?

5 A. Sometimes it wasn't. I will tell you about that. And
6 it's quite -- in my profession of Consular Affairs, it is quite
7 an important topic. We have what we call a no double standard
8 law. I'm drawing a blank on the complete citation.

9 But basically this is a law that was enacted after
10 PanAm 103 which, if I remember correctly, was approximately
11 1989. And this law says that if there is any threat to the
12 official American community that is specific, credible, and
13 non-counterable, then you have to inform all the American
14 community, and that's the unofficial community in that country.

15 And usually the way we would do that is via a Warden
16 Message.

17 So, for instance, if the Regional Security Officer,
18 the RSO, I'm sorry about these acronyms, but that's the
19 government and they exist. If the RSO said, came and said,
20 look, we've got some idea that you shouldn't go out, there
21 might be something at Jondul or along Hadda Street, you really
22 couldn't just tell that to only the American community. You
23 have to go to the Consular section, and we have to get with
24 Washington, and then we have to decide whether to issue the
25 Warden Message based on those three factors.

1 And if it is a specific threat that is credible and
2 non-counterable, we're going to tell the other Americans.

3 So there is no -- there is no just well, there might
4 be something dangerous to you guys, we're going to lock down
5 the compound. That's not how it worked.

6 Q. So security warnings that were sent out were sent out to
7 both embassy personnel and other Americans living in Sana'a?

8 A. At that time, yes.

9 Q. Was it the same message to both groups?

10 A. Yes, it would be. The law specifically requires that.

11 Q. And so, did the embassy ever warn people not to leave a
12 place like the Hadda Compound?

13 A. What the embassy did was, and this -- my recollection is
14 this happened after the Howards left, at least that's my
15 recollection, we had a shuttle that would take the employees of
16 the embassy from the Hadda Compound to work in the morning.
17 And they determined -- I had my own private vehicle at the
18 time. And they determined that if you drove and left before --
19 and arrived at the embassy before 6 o'clock in the morning and
20 stayed until after 6, then you could drive your private
21 vehicle.

22 Otherwise, you had to take the shuttle. And usually
23 the shuttle left at varying times because we always had to vary
24 our routes and times. And even driving like -- for instance,
25 it would be a 20-minute ride at 5:30 in the morning, but I

1 couldn't go at 5:30, sometimes I would go at 5, sometimes I
2 would go at 5:15 because you always want to throw the bad guys
3 off.

4 And the shuttle would also be scheduled. For
5 instance, one shuttle would leave at 6:45. And the next
6 shuttle would leave at like 9. And then the next day one
7 shuttle would leave at 7:15 and the next one would leave at
8 8:30.

9 So there was always, there was always a big threat.
10 And that's one of the main reasons why they ceased operations
11 there because they felt they couldn't sustain -- and they were
12 actually trying to build housing at the embassy. But they felt
13 that they couldn't sustain the danger during the civil war of
14 transporting the staff from the housing to the embassy.

15 Q. Were you ever required to take the shuttle?

16 A. When my car was first there, I took it for about three or
17 four months, I think it was about four months before my vehicle
18 arrived.

19 Q. Just to clarify, when you say it, do you mean the shuttle?

20 A. Yes.

21 Q. So you took the shuttle when you first arrived?

22 A. When I first arrived, definitely.

23 Q. And then you said -- when did your car arrive?

24 A. It was about four months into the tour.

25 Q. And after your car arrived, were you ever required to take

1 the shuttle by the State Department?

2 A. There were a few times, yes. There were a few
3 intermittent times. I can't remember the specific dates.

4 Q. And did the embassy ever prohibit you or the other embassy
5 personnel from leaving the Hadda Compound altogether?

6 A. Not to my knowledge.

7 Q. Mr. Meszaros, at some point during your time in Yemen did
8 you meet the plaintiff in this case, Sarah Roe?

9 A. Yes, I did.

10 Q. How did you meet her?

11 A. She was a waitress at the little B7 restaurant.

12 Q. How would you describe your relationship with her?

13 THE COURT: I'm sorry, now that you're going into a
14 new topic here, why don't we take our mid-afternoon break. So
15 let's take 15 minutes, 17 minutes, we will come back at
16 4 o'clock and we will continue the testimony.

17 All right, you are excused. Thank you.

18 NOTE: At this point the jury leaves the courtroom;
19 whereupon the case continues as follows:

20 JURY OUT

21 THE COURT: All right. So you're in the middle of
22 your testimony, so please don't discuss it with anyone during
23 our break.

24 And anything we need to talk about before we recess?

25 MR. RINALDO: I don't think so.

1 THE COURT: All right.

2 MS. PATTERSON: No.

3 THE COURT: All right, then we're in recess. We will
4 come back at 4 o'clock.

5 NOTE: At this point a recess is taken; at the
6 conclusion of which the case continues in the absence of the
7 jury as follow:

8 JURY OUT

9 THE COURT: Ready for our jury?

10 All right, Joe, let's get our jury, please.

11 NOTE: At this point the jury returns to the
12 courtroom; whereupon the case continues as follows:

13 JURY IN

14 THE COURT: Please be seated.

15 Please continue, Mr. Salinas.

16 BY MR. SALINAS: (Continuing)

17 Q. Mr. Meszaros, before we took our break we were talking
18 about how you met the plaintiff in this case, Ms. Roe.

19 Where did you say that you met her?

20 A. I met her at the little restaurant on the Hadda Compound.

21 It is B6 or B7, I can't remember the exact number, but it's one
22 of those numbers. It was the little restaurant on the
23 compound.

24 Q. How would you describe your relationship with her?

25 A. She worked there with a waiter called Mohamad. I would

1 talk to them. I particularly liked those two, I gave them
2 extra tips.

3 Q. Do you remember around when this was?

4 A. This would be around 2008.

5 Q. And do you maintain a relationship with Ms. Roe today?

6 A. I reconnected with her on Facebook because I have seen a
7 lot of my friends from Yemen, and I believe that would be
8 around 2012. I am not sure whether -- I think I was -- I think
9 I did see her on one of my friend's -- as one of my friend's
10 from Yemen's friends, and I sent her a friend request.

11 Q. Okay. Do you see her often nowadays?

12 A. I have, since she came to the United States, I took her to
13 an Ethiopian restaurant one time. I took, me and my wife took
14 her to an Italian restaurant. I attended a couple of her
15 girl's, her little girl's birthday parties.

16 Yeah, I have seen her socially.

17 Q. So would you describe you as friends?

18 A. Social friends, yes.

19 Q. Mr. Meszaros, you said earlier that the State Department
20 paid for your apartment in Yemen. Did the State Department
21 provide you a stipend for housekeeping or anything like that?

22 A. They did not.

23 Q. In your observation, was it common for embassy personnel
24 in Yemen to have a housekeeper?

25 A. I remember the initial briefing with another acronym, the

1 CLO, which is the Community Liaison Officer. And she said,
2 yes, most people have a housekeeper. They do not have live-in
3 housekeepers. They have housekeepers that will come in for the
4 day.

5 There was a very popular young lady who worked in the
6 cafeteria, Ethiopian, her name was Katy Mamo, and she knew a
7 lot of housekeepers, and I eventually hired her sister to come
8 in on Thursdays, which is the equivalent of Saturdays in the
9 States.

10 Q. So you hired her as a housekeeper?

11 A. I hired her as a housekeeper, the sister, yes.

12 Q. Did she live in your apartment?

13 A. No.

14 Q. And how often did you say she came?

15 A. She would come by once a week.

16 Q. How much did you pay her?

17 A. I would usually -- I think the base pay was like \$40 a
18 visit, but I would pay her like 50, 60, or a little more. She
19 suffered from migraine headaches, and I wanted to make sure she
20 got good medical care.

21 And plus, she would do little things that really
22 pleased me. Like one time I had a pair of stretch warm-up
23 pants and the draw string came out, and she put it back in.
24 And I think gave her \$60 for that.

25 She also darned the socks. You know, little holes in

1 the socks, and she would fix them. She was very good at that
2 stuff. So I would give her extra money.

3 Q. And so each visit, do you know how long she would stay in
4 the apartment?

5 A. Sometimes I would just take off right early in the morning
6 and go to work or probably go to the gym and then go to work
7 even though it was the off day, and I would come back, she
8 would stay for about eight hours.

9 Q. And you would pay her how much for those eight hours?

10 A. 40, 50, 60, sometimes a little more. Sometimes I also
11 through Katy Mamo, I also connected with her, with Katy Mamo's
12 cousins and my housekeeper, and her name escapes me, but
13 sometimes the housekeeper, sometimes Katy's cousin Howi would
14 cook for me, and they catered for parties I threw.

15 Q. In your observation, was it common for people on the
16 compound to hire a live-in housekeeper?

17 A. The Howards were the only ones I knew who did that. I
18 can't rule out that somebody else did it and I might not have
19 known about it. But the Howards were the only ones I knew who
20 had a live-in housekeeper.

21 Q. And they were the only ones on the compound that you knew?

22 A. They weren't the only ones on the compound, but they were
23 the only ones that had a live-in housekeeper, yeah. There is a
24 possibility maybe somebody in one of the bigger houses had a
25 live-in housekeeper. I didn't hear of it. I'm pretty sure

1 that the CLO would have mentioned that to me.

2 The policies of the State Department and the
3 conditions --

4 THE COURT: Wait for your next question. You have
5 answered the question based on the facts as you know them.

6 Ask your next question, please.

7 Q. Mr. Meszaros, now I would like to talk a little more about
8 the Howards. When was the first time you met them?

9 A. I probably met Linda through a meet and greet and take you
10 around the embassy. The first real social interaction that I
11 recall was at a trivia night. The Public Affairs Officer, his
12 name was Ryan Gleha, he held trivia nights. They picked teams,
13 and I ended up on the Howards' team.

14 Q. Were both Linda and Russell Howard there that night?

15 A. They were?

16 Q. Were they accompanied by anyone else?

17 A. They had their maid with them.

18 Q. How do you know that woman was their maid?

19 A. Linda and Russell told me.

20 Q. Was that live-in -- was that housekeeper Ms. Roe?

21 A. No, it wasn't.

22 Q. What was your initial reaction to seeing the Howards with
23 this woman?

24 MR. RINALDO: Objection, Your Honor.

25 THE COURT: What's the relevance of this?

1 MR. SALINAS: Your Honor, we will keep it brief, Your
2 Honor, but we --

3 THE COURT: Move on to the next question. Go ahead.

4 BY MR. SALINAS: (Continuing)

5 Q. Did other people bring guests to this event?

6 A. No.

7 Q. How did Russell Howard act at this event?

8 A. He was boisterous. Boisterous, opinionated, talkative.

9 Q. Did you like him?

10 MR. RINALDO: Objection. How is that relevant, Your
11 Honor?

12 THE COURT: The question is did you watch him, is
13 that what you --

14 MR. SALINAS: Did you like him.

15 MR. RINALDO: He asked did you like him.

16 THE COURT: Did you like him? Well, you don't have
17 any foundation for that. Did he have conversations with him?
18 Were they personal friends? Ask him whether --

19 MR. SALINAS: Your Honor, he said he was on the same
20 trivia team as him and that they interacted that night.

21 THE COURT: Well, I will sustain the objection. Lay
22 a foundation as to whether he has an opinion as to whether he
23 liked him or not. Or just I saw him one time, I didn't like
24 him, is that what he is going to say?

25 MR. SALINAS: I will rephrase the question, Your

1 Honor.

2 THE COURT: Thank you.

3 BY MR. SALINAS: (Continuing)

4 Q. You interact with Linda or Russell Howard at this event?

5 A. Yes.

6 Q. What did they say to you?

7 A. I can't recall the questions asked regarding the trivia.

8 I think we were losing fairly badly. It ended up there is a
9 real schism there. All the old people were on one side with me
10 and the Howards, and all the younger people were on the other
11 side.

12 I was asked -- I asked who the maid was, and they
13 told me her name. I can't, I can't remember it. I asked, what
14 is she doing here? And she goes, oh, that's our full-time
15 maid.

16 And I said something to the effect of, does Russell
17 work? And Linda said, no, he doesn't.

18 And I knew that they lived in the compound. And I
19 go, he stays in the compound all day with the maid? And Linda
20 said, yeah. I said, okay.

21 Q. Did you ever see that housekeeper from the trivia night
22 again?

23 A. I did not.

24 Q. Do you know what happened to her?

25 MR. RINALDO: Objection. I would like a foundation

1 for that.

2 THE COURT: Yeah.

3 MR. SALINAS: I don't need to ask the question, Your
4 Honor.

5 THE COURT: Okay. Sustained.

6 BY MR. SALINAS: (Continuing)

7 Q. Did you ever see Linda or Russell Howard with another one
8 of their housekeepers?

9 A. Yes, I did.

10 Q. Is this housekeeper the woman you understand is being
11 called Jane Doe in this case?

12 A. Yes, it was.

13 Q. Who did you see with Jane Doe?

14 A. Linda Howard.

15 Q. Where would you see them?

16 A. I saw them at the little gym on the Hadda Compound at
17 least five or six times, and they were working out together.

18 Q. How would Linda act when you saw her with Jane Doe?

19 A. She was a big -- all smiles. Hi, how are you doing?

20 Q. How did you observe Jane Doe acting?

21 A. She didn't want to be on the treadmill. She was -- she
22 was following along, basically.

23 Q. Did you ever see Jane Doe without Linda in Yemen?

24 A. I really don't think so, no.

25 Q. Did you ever speak with Linda or Russell Howard about one

1 of their housekeepers aside from the trivia night?

2 MR. RINALDO: Objection, Your Honor. Could we have a
3 time frame?

4 THE COURT: Yeah. Let's have a time frame.

5 MR. SALINAS: I will rephrase, Your Honor.

6 BY MR. SALINAS: (Continuing)

7 Q. While you were in Yemen, did you ever speak with Linda or
8 Russell about their housekeepers?

9 A. One other time, yes.

10 Q. Was this with Linda or Russell?

11 A. Both.

12 Q. And what did they say to you?

13 A. We were at the Marine house, and they were telling about
14 how they took one of the housekeepers on their vacation to
15 Italy with them. And they were in a crowd, I can't recall what
16 town they were in, but they were in a crowd, and the
17 housekeeper ran away. And they were calling her name, which I
18 don't recall, and whatever it was, and she just took off and
19 ran away.

20 Q. How did Linda and Russell seem to you when they told you
21 this story?

22 A. They were --

23 MR. RINALDO: Objection, Your Honor. I am not sure I
24 understand what seemed to --

25 MR. SALINAS: I will rephrase, Your Honor.

1 THE COURT: Yes, sir.

2 BY MR. SALINAS: (Continuing)

3 Q. How were they acting when they were telling you the story?

4 A. Well, we were at the Marine house, we were drinking beer.
5 They thought it was funny. At the time I thought it was funny.

6 Q. Did you talk to Russell Howard again after that
7 interaction?

8 A. I can't recall. Maybe not. I understand that we had,
9 after these series of attacks, we had what is called an
10 authorized departure. Then we had an ordered departure. So
11 non-essential personnel and dependents actually left the
12 embassy.

13 So he was probably gone for some period of time. I
14 didn't keep a diary, and this is just come from my memory. So
15 he could have been gone on one of those for a lengthy period of
16 time.

17 Q. So can you estimate roughly how many times you interacted
18 with him?

19 A. There was the trivia night. The conversation at the
20 Marine house night. And then there was the one time at the
21 swimming pool at the embassy, I had a little conversation with
22 him about something inane.

23 Q. Mr. Meszaros, briefly going back to the housekeeper from
24 the trivia night. What did she look like?

25 A. She was very attractive. She was Ethiopian. She wore

1 kind of a stylish blue dress.

2 Q. How could you tell that she was Ethiopian?

3 A. After you have been -- traveled around and been to East
4 Africa and West Africa, you can see that there is distinctive
5 features. Ethiopians are known as the beautiful people of
6 Africa. They particularly have a striking forehead. You see
7 this in some of their paintings.

8 Q. How old did the housekeeper look?

9 A. Early twenties.

10 Q. Mr. Meszaros, in 2008 in your time in Yemen, did you
11 observe whether the Howards had a particular reputation in the
12 embassy community?

13 MR. RINALDO: Objection. How does one observe a
14 reputation?

15 THE COURT: Well, approach the bench, please.

16 MR. RINALDO: Yes, Your Honor.

17 NOTE: A side-bar discussion is had between the Court
18 and counsel out of the hearing of the jury as follows:

19 AT SIDE BAR

20 THE COURT: Okay. Where are we going with this
21 testimony? You want to establish the Howards' reputation in
22 the community at the embassy; is that correct?

23 MR. SALINAS: Yes.

24 MR. RINALDO: Through this gentlemen?

25 THE COURT: Well, he hasn't laid a foundation yet.

1 MR. RINALDO: No.

2 THE COURT: But do you have foundation questions you
3 were prepared to ask about, has he spoken with anybody else
4 about the Howards?

5 MR. SALINAS: I can certainly ask those questions,
6 Your Honor.

7 THE COURT: They are required questions before you
8 can get an opinion about their reputation. You have to get him
9 to say that I have spoken to other people and I am aware of
10 their reputation. Not based on his personal view of the world.

11 MR. SALINAS: Understood, Your Honor.

12 MR. RINALDO: All that would be hearsay too.

13 THE COURT: That's what opinion testimony is all
14 about.

15 MR. RINALDO: But he is not an expert. He can't
16 express an opinion.

17 THE COURT: It is not an expert opinion. That
18 doesn't require expert testimony.

19 MR. RINALDO: At the very least we need to talk about
20 the fact that he has to talk about that in '08. We can't be
21 talking about what he may have learned since.

22 THE COURT: That's fair.

23 MR. RINALDO: Before he left Yemen. It can't be --
24 if he talked to somebody in '11 or '12, that doesn't matter.

25 MR. SALINAS: I would obviously limit -- I would lay

1 a foundation that limits it to --

2 MR. RINALDO: '08.

3 MR. SALINAS: Well, it is '08 because he wasn't there
4 in '07.

5 THE COURT: While they were there. I will allow
6 that. And your exception is noted.

7 MR. RINALDO: Depending upon the foundation, I may
8 renew an objection.

9 THE COURT: Correct.

10 NOTE: The side-bar discussion is concluded;
11 whereupon the case continues before the jury as follows:
12 BEFORE THE JURY

13 THE COURT: Sorry for that horrible noise. It's
14 obviously intended to distract you as we're discussing matters
15 at the sidebar. And I don't know why music or Muzak or
16 something else doesn't play. I have been working on that. I
17 hope to do better in the future.

18 All right, please proceed.

19 BY MR. SALINAS: (Continuing)

20 Q. Mr. Meszaros, in 2008 did you have conversations with
21 people at the embassy about the Howards?

22 A. Yes.

23 Q. In 2008, did you have conversations with people from the
24 State Department about the Howards in Yemen?

25 A. Yes.

1 Q. Did you have conversations with people at the compound in
2 2008, the Hadda Compound in 2008 about the Howards?

3 A. I can't recall any off the top of my head at the compound.

4 Q. So where would these conversations have been taking place?

5 A. Embassy.

6 Q. So you had these conversations at the embassy?

7 A. At the embassy.

8 Q. Who were some of the people that you would have these
9 conversations with?

10 A. Paul Blankenship, the Admin Officer. Nelson Rodriquez,
11 the Facilities Maintenance Officer. Sheldon Haney, the Finance
12 Officer. Several others. Clayton Beatty, the husband of the
13 Office Management Secretary -- Office Management Specialist.

14 Q. So based on those conversations, in your opinion did the
15 Howards have a particular reputation within the embassy
16 community?

17 A. Linda got an award for her service, and I think several of
18 us -- I thought, how did that happen? And Paul Blankenship
19 said, well, I thought she did good work. He was the Admin
20 officer and obviously the driving force behind that.

21 I think as to -- they weren't -- I think there was a
22 feeling that Linda was not --

23 MR. RINALDO: Your Honor, objection.

24 THE COURT: You can ask him about general reputation
25 in the community. You can't ask him about specific incidents.

1 What are you trying to --

2 MR. SALINAS: I haven't asked about a specific
3 incident.

4 THE COURT: Well, he is getting into specific matters
5 because of the open-ended nature of the question.

6 MR. SALINAS: Understood.

7 BY MR. SALINAS: (Continuing)

8 Q. Mr. Meszaros, without getting into any specific incidents,
9 based on these conversations that you have had with various
10 embassy personnel in Yemen, in your opinion did Linda or
11 Russell Howard have a reputation within the embassy?

12 A. Some of us felt Linda was not the best information
13 management person. And a lot of people thought Russell was
14 argumentative, a little off-putting, and not -- that he did not
15 like too many people at the embassy.

16 THE COURT: All right, let's move on.

17 MR. SALINAS: I have no further questions, Your
18 Honor.

19 THE COURT: Okay. Thank you.

20 All right, cross-examination.

21 MR. RINALDO: Yes, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. RINALDO:

24 Q. Good afternoon, Mr. Meszaros.

25 A. Good afternoon.

1 Q. Let me sort of straighten this out a bit, I have enough
2 bad angles.

3 I would like to begin with something you said after
4 the break that I think would be very helpful to clarify for all
5 of us. You mentioned the words "authorized departure" and
6 "ordered departure." Okay.

7 Now, you are involved in security, right?

8 A. No, I was involved in Consular Affairs.

9 Q. Well, but Consular Affairs, but you are familiar with
10 terms "authorized departure" and "ordered departure," right?

11 A. Yes, I am.

12 Q. You know what they mean?

13 A. I know what they mean.

14 Q. Well, some of us may not. So perhaps you could help us.
15 Based on your experience in Yemen and your experience with the
16 State Department, could you define for us what authorized
17 departure means?

18 A. I am sorry for that omission and lack of clarification.

19 Q. You don't have to be --

20 THE COURT: Stop. Don't speak over the witness, we
21 can't transcribe that, one at a time has to speak. So finish
22 your answer.

23 A. An authorized departure is triggered by a security
24 incident whereby the Chief of Mission in consultation with the
25 State Department in Washington, D.C. determines that conditions

1 are dangerous at the particular post and that they will allow
2 on a voluntary basis for non-essential employees to go back to
3 the United States.

4 An ordered -- and authorized departure used to be
5 called voluntary departure, and sometimes I slip back into that
6 terminology.

7 An ordered departure is triggered by a security
8 incident or specific credible threat where the Chief of
9 Mission, usually the Deputy Chief of Mission who actually runs
10 the embassy and makes the critical decisions, is going to tell
11 people that they have to go back to the United States. And
12 they are provided -- it's basically an evacuation or draw-down
13 of the embassy personnel.

14 THE COURT: Go ahead.

15 BY MR. RINALDO: (Continuing)

16 Q. Thank you. That was helpful. Did I understand you to say
17 that you arrived in Yemen on January 10, 2008?

18 A. Yes, sir.

19 Q. And you described three bombings that year. I am going to
20 get to that in a minute. But there was an authorized departure
21 that year, wasn't there, in early '08?

22 A. Yes, there was.

23 Q. So that would be non-essential personnel were authorized
24 to leave, correct?

25 A. Correct.

1 Q. And then there was an ordered departure in 2008 as well,
2 wasn't there?

3 A. Correct.

4 Q. And so, non-essential personnel had to leave?

5 A. Correct.

6 Q. That ordered departure took place in March, didn't it?

7 A. I believe so.

8 Q. So --

9 A. No, it might have taken place in April.

10 Q. All right. I guess we can probably figure that out. But
11 regardless, it was no later than April, was it?

12 A. Correct.

13 Q. All right. Because that was when the second attack took
14 place at the compound, right?

15 A. Correct.

16 Q. And when did the first attack take place at the embassy?

17 A. I believe it took place in March.

18 Q. In March, yep. And was that the one where the embassy was
19 attacked and you said there was a girl killed?

20 A. I have read differing reports. There was -- the mortar
21 landed on a girl's school and there might have been a girl
22 killed, one of the students.

23 Q. Would it refresh your recollection to think about whether
24 there might have been 12 girls killed at that school, or do you
25 know?

1 A. I'm pretty sure there weren't 12.

2 Q. Okay. There was an embassy attack, the mortars landed in
3 the embassy, right?

4 A. One landed on the wall of the compound.

5 Q. Right. Did you know that Linda Howard was at the embassy
6 when that motor hit?

7 A. Yes. I was at the embassy too.

8 Q. So you both were there. So you both experienced that,
9 didn't you?

10 A. Yes, we did.

11 Q. And do you know that Russell Howard left via an ordered
12 departure at the end of March 2008?

13 A. I am not -- I can't remember the dates when he left.

14 Q. But he left within a couple of months of your arrival,
15 didn't he?

16 A. Yes.

17 Q. Along with the other non-essential personnel?

18 A. I don't specifically recall it, but, yes, he probably did.

19 Q. All right. And that would have been an ordered departure?

20 A. The ordered -- yeah, the ordered departure came later,
21 after the second attack.

22 Q. And the second attack, did I -- am I correct, took place
23 in April?

24 A. Correct.

25 Q. And the second attack, that one hit the compound?

1 A. That one hit the Hadda Compound.

2 Q. Right, where you lived?

3 A. Where I lived.

4 Q. Where Linda Howard lived?

5 A. Where Linda Howard lived.

6 Q. How close did the shells come to your building?

7 A. I think I was about 25 yards away.

8 Q. 25 yards?

9 A. Yeah. I think it was the next building over.

10 Q. How close did you live to the Howards? Because it hit the
11 next building over to the Howards too, didn't it?

12 A. I'm not sure. The compound is -- there are just several
13 buildings fairly close together.

14 Q. During the direct examination, before the break you
15 described the restaurant on the Hunt Oil Compound as B7. After
16 the break you said it might have been B6 or B7. Can we agree
17 that it was probably B6?

18 A. It was B6.

19 Q. All right, fine, good. Then we won't have any confusion
20 with that. Okay. And you used to go there to eat at the Hunt
21 Oil Compound, right?

22 A. I would, yes.

23 Q. By the way, while you were in Yemen in the first part of
24 '08 -- well, you had to have been after the first part of '08,
25 but were you there alone?

1 A. Yes.

2 Q. So I don't know if you were married at the time?

3 A. Married.

4 Q. But your wife was not there?

5 A. Correct.

6 Q. Okay. So she wasn't involved in an authorized or an
7 ordered departure?

8 A. Correct.

9 Q. So you lived in an apartment yourself by yourself?

10 A. Yes.

11 Q. Is that right?

12 A. Yes.

13 Q. Okay. So with respect to your needs for a housekeeper or
14 cooking or anything else, you ate out a lot, did you?

15 A. I did.

16 Q. Yep. And you were a single person, right?

17 A. Correct.

18 Q. Okay.

19 A. I was married. My wife is the United States.

20 Q. Well, no, no, no. You were a single person as far as
21 living in Yemen. I didn't mean to imply anything else.

22 So you didn't have your wife's clothes on the floor
23 or sometimes the wash because she was in U.S., you just had
24 your own? That's what I was getting at.

25 A. True.

1 Q. You essentially were by yourself as a resident in the Hunt
2 Oil Compound?

3 A. In the Hadda Compound.

4 Q. Okay. It was owned by Hunt Oil, wasn't it.

5 A. No.

6 Q. Are you sure?

7 A. Positive. It was owned by -- I believe it was a guy from
8 Abu Dhabi.

9 Q. Okay. Well, with respect to your experiences there, one
10 of the things you mentioned on direct examination was that you
11 spent some time at the Marine house; is that right?

12 A. Yes, I did.

13 Q. Okay. Could you tell us, just sort of for clarification
14 purposes, what the Marine house was.

15 A. Okay. The Marine house is basically where -- the Marines
16 provide the security, one of the security components at an
17 embassy. And there was usually about six to eight Marines at
18 the U.S. embassy in Sana'a. Their primary function is access
19 control at Post 1, which is the main controlling area for
20 entering the embassy and securing classified material.

21 The Marine house is the Marines' residence, and it is
22 also at most embassies abroad the primary social area where the
23 Marines will have like, for instance, they have a bar and you
24 can go there and socialize and drink beer.

25 Q. And it wasn't just the Marines that got to go, I think I

1 understood your testimony to be that on like, not every
2 Wednesday, but on several Wednesdays a month they would invite
3 others over on Wednesday evening?

4 A. It was sporadic, sometimes two Wednesdays a month.

5 Q. That's fair. And during those meetings, there were people
6 other than the Marines who came over?

7 A. Yes.

8 Q. Okay. It wasn't unusual to see people who weren't Marines
9 there on Wednesday evening?

10 A. Yes.

11 Q. Yes, it was unusual?

12 A. No, it wasn't unusual.

13 Q. That was my --

14 A. My mistake, sorry.

15 Q. So there was beer available there?

16 A. There was beer available there.

17 Q. All right. There was food available there?

18 A. Sometimes. Not so good, but there was sometimes food
19 available there, cheese and such.

20 Q. Sometimes they would have a barbecue maybe?

21 A. Sometimes they would have a barbecue, yes.

22 Q. Was there ever dancing there?

23 A. Later at night there was dancing.

24 Q. Later at night?

25 A. Yeah.

1 Q. About what time would that start?

2 A. 9:30, 10.

3 Q. 9:30 or 10. And what you testified to was, in answer to
4 one of Mr. Salinas' questions about whether you sometimes were
5 ordered not to leave the compound, and you said you didn't
6 remember such an occasion -- is that a fair characterization of
7 your testimony?

8 A. That's fair.

9 Q. Okay. You didn't arrive until January of '08, right?

10 A. That's correct.

11 Q. So you have no idea whether there had been an order that
12 you can't leave the compound in '07?

13 A. I might have had an idea, but I don't specifically recall
14 it because I was following the events closely.

15 Q. Well, it would have been from a distance away because you
16 weren't there, right?

17 A. It would have been a distance away. But if they had sent
18 out a Warden Message based on those conditions, I might have
19 been aware of it.

20 Q. But you can't be sure?

21 A. I can't be sure.

22 Q. Fair enough. When you reconnected with the plaintiff in
23 this case, did I understand you to say that was probably in
24 sometime in 2012?

25 A. It could be 2011 or 2012, I am not sure.

1 Q. Well, I thought your testimony --

2 A. 2012 seems most plausible to me.

3 Q. And I just want to make sure that I understand how the
4 connection happened. Did you reach out to some of your friends
5 from Yemen on Facebook?

6 A. Yes, I did. I saw some of my friends from Yemen, yes.

7 Q. And when you reached out to them, some of them reached
8 back to you, correct?

9 A. Yes.

10 Q. Okay. And did I understand you to say that when some of
11 them reached back to you, you saw the plaintiff's identifier,
12 I'm not a Facebook guy, so whatever you call it, as a friend of
13 a friend?

14 A. I believe that's what happened, yes.

15 Q. That's how you resumed contact with her?

16 A. Yes.

17 Q. And at that point you contacted her and she responded,
18 right?

19 A. I believe that's how things happened, yes.

20 Q. Okay. Did I understand you to say you attended the
21 plaintiff's daughter's birthday party?

22 A. Yes, I did.

23 Q. And what year was that?

24 A. That would be 2016 and 2015.

25 Q. And where were she living at the time?

1 A. She was living in Alexandria, Virginia off of Edsall Road.

2 Q. Both years?

3 A. I believe it was the same apartment both years, yes, sir.

4 Q. All right. And can you describe that apartment for me,
5 please.

6 A. It was older. I believe it was a two-bedroom apartment.
7 I specifically -- we had a lot of Ethiopian food. One of my
8 favorites is the raw meat, she somehow managed to get it. It
9 was a larger -- it was two bedrooms. There was a big screen
10 TV. I guess you would call it a garden style apartment.

11 Q. Garden style. Which means what? To me it means you have
12 like a balcony or a patio?

13 A. They did have a balcony, yes.

14 Q. Two-bedroom apartment, with a big screen TV, a balcony,
15 right?

16 A. Yes.

17 Q. Do you how many bathrooms it had? Well, obviously at
18 least one.

19 MR. SALINAS: Objection, Your Honor. How is this
20 relevant?

21 MR. RINALDO: Well, I think it is relevant.

22 THE COURT: I will allow it. Overruled.

23 A. I don't recall using the bathroom there.

24 BY MR. RINALDO: (Continuing)

25 Q. How many times did you visit that apartment?

1 A. Couple of times. Those two occasions.

2 Q. Vacations?

3 A. Those two occasions.

4 Q. Occasions.

5 A. I am sorry for mispronouncing.

6 Q. I just didn't hear you. Were those two birthday parties
7 the only times you went to that apartment?

8 A. Yes, they were.

9 Q. Do you know whether the plaintiff works?

10 A. I know at one point she had a job at Red Robin in West
11 Falls Church.

12 Q. West Falls Church?

13 A. I believe it is West Falls Church, yes, sir.

14 Q. Do you know when that was?

15 A. That was definitely, I believe she mentioned that during
16 the first -- before the first birthday party.

17 Q. When you were at that birthday party, were there other
18 people there, other guests?

19 A. Yes, it was quite crowded.

20 Q. Did you know any of the people who were there?

21 A. Yes.

22 Q. Can you tell me who they were?

23 A. Katy Mamo, who was at the embassy. Jane Doe was at that
24 part -- she was at the last -- she was at one of the parties.

25 Q. Do you remember if it was '15 or '16?

1 A. It might have been '15.

2 Q. Do you remember what time of year that was?

3 A. Summer.

4 Q. Summer. So June, July, August, somewhere in there?

5 A. July/August, something in there.

6 Q. All right. Anybody else you recognized?

7 A. No.

8 MR. RINALDO: That's all I have, Your Honor.

9 THE COURT: All right. Thank you.

10 Any redirect?

11 MR. SALINAS: Yes, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. SALINAS:

14 Q. Mr. Meszaros, during your time in Yemen, did you socialize
15 with people who had a spouse with them in Yemen?

16 A. Yes. Yes.

17 Q. Did any of those people have a live-in housekeeper, to
18 your knowledge?

19 A. Not to my knowledge.

20 MR. SALINAS: No further questions, Your Honor.

21 THE COURT: All right. May this witness be excused?

22 MR. SALINAS: Yes, Your Honor.

23 MR. RINALDO: As far as I am concerned, Your Honor.

24 THE COURT: Thank you, sir. Thank you for coming in
25 today and testifying. You are excused at this time, free to

1 go, free to sit in the courtroom if you would like, but you are
2 not free to discuss your testimony with anyone else until our
3 trial is over. All right?

4 THE WITNESS: Understood, Your Honor.

5 THE COURT: All right, thank you. Have a good day.

6 NOTE: The witness stood down.

7 THE COURT: All right, next witness.

8 MS. PATTERSON: Yes, Your Honor. We can call our
9 next witness, but because of the time, we don't believe that we
10 will finish the testimony of that witness.

11 THE COURT: That's fine, let's get rolling.

12 MS. PATTERSON: No problem, Your Honor. We will call
13 Florence Burke at this time.

14 THE COURT: All right.

15 NOTE: The witness is sworn.

16 THE COURT: Please proceed.

17 Good afternoon, ma'am.

18 THE WITNESS: Good afternoon, Your Honor.

19 FLORENCE BURKE, called by counsel for the plaintiff,
20 first being duly sworn, testifies and states:

21 DIRECT EXAMINATION

22 BY MS. PATTERSON:

23 Q. Good afternoon. Could you please introduce yourself to
24 the jury.

25 A. My name is Florence Burke.

1 Q. Could you tell us a little bit about your educational
2 background.

3 A. Yes. I have a Bachelor's degree in deaf education. A
4 Master's degree in special education. And a Master's degree in
5 clinical psychology. And all but dissertation in a Ph.D.
6 program in clinical psychology.

7 Q. Where did you go for the clinical psychology degree?

8 A. For the Master's program I went to John F. Kennedy
9 University in California. And in the Ph.D. program I was at
10 the Professional School of Psychology in San Francisco,
11 California.

12 Q. Could you tell us about your professional experience.

13 A. Yes. My first career was as a teacher of deaf students in
14 California. And I did that for about 14 years.

15 After that, I got the Master's in clinical psychology
16 and became a mental health therapist where I worked at the
17 University of California San Francisco Medical Center.

18 After that I moved to New York City where I was the
19 executive director of the Lexington Center for Mental Health.

20 And after that I was a consultant for a few programs.

21 And then started the anti-trafficking program at Safe
22 Horizon in New York City. And I was there until 2007 when I
23 left.

24 And I have been an independent consultant ever since.

25 Q. You mentioned before this consulting job you had another

1 consulting job. What was that field?

2 A. I was consulting in the survivors of torture and war
3 trauma program at Safe Horizon.

4 Q. What did you do there?

5 A. I did psych assessments for asylum seekers, and I provided
6 counseling to survivors of torture.

7 Q. Did you have any training before you started that
8 consulting work?

9 A. Yes.

10 Q. What sort of training did you do?

11 A. I went to the New York University International Trauma
12 Studies Program, which was a certificate program for a year.

13 Q. Did you receive a certificate from that program?

14 A. I did.

15 Q. Did you have any other training before the consulting job
16 at Safe Horizon?

17 A. I have had training my whole life. I did extensive
18 training in trauma and abuse, starting in the mid-'70s and
19 continuing until now.

20 Q. Did you have training in specific types of trauma or
21 abuse?

22 A. Generalized trauma reactions. And I had specialized
23 training in sexual abuse survivors, domestic violence
24 survivors, victims of crime, war trauma.

25 Q. So after that consulting job at Safe Horizon, what was

1 your next position?

2 A. I started working full-time at Safe Horizon, and I started
3 the anti-trafficking program there in 2001. And that work got
4 interrupted by the events of 9/11. And at that time I
5 developed a community response program for people affected by
6 9/11 in New York City, first responders and just everyday New
7 Yorkers.

8 Q. With respect to the anti-trafficking position at Safe
9 Horizon, what did you do there?

10 A. It was one of the first programs in the country. The
11 government started funding programs for victims of human
12 trafficking in 2001, 2002, 2003, they started funding programs.
13 And we were one of the first, Safe Horizon was one of the first
14 programs funded. And we -- I started out by building the
15 program, hiring staff, developing a model of response that
16 included case management, referrals to other programs, doing
17 assessments, counseling, et cetera.

18 Q. Did that program provide any training to other
19 organizations?

20 A. Yes. One of the mandates of that program and of a grant
21 that we had from the Office for Victims of Crime at the
22 Department of Justice was to train other community
23 organizations in how to work with survivors of this crime. To
24 train other service providers so that they might know what to
25 expect when we referred our clients for services. We also

1 provided training to law enforcement in the area and beyond.

2 Q. Was there any other work that you did at Safe Horizon
3 besides the two you just outlined?

4 A. Once the program got well established and fully staffed, I
5 supervised the direct service staff and continued to do the
6 bulk of the training and became involved in both governmental
7 and non-governmental organizations that were also responding to
8 this crime.

9 Q. So you said that you supervised the direct service staff.
10 What did this direct service staff do for victims?

11 A. When victims were referred to our program, the direct
12 service staff, which consisted of social workers, case
13 managers, and immigration attorneys at the time, would assess
14 victims' needs, and then either provide those services directly
15 or refer out to the appropriate program or organization that
16 could provide those services.

17 Q. When you say needs, what are you talking about?

18 A. Well, victims of this crime would come in and they would
19 just recently have either been rescued or escaped from a
20 situation, and often had no financial resources, had no place
21 to live, had maybe very little personal items, such as
22 clothing. And they had emotional needs, some had medical
23 needs, certainly they had legal needs.

24 So the assessment was to take a period of time to
25 really look at the situation of the person and what was

1 required to help them with their stability.

2 Q. You mentioned legal needs. What sort of legal needs did
3 your program help these victims with?

4 A. Mostly with immigration needs. At the beginning of our
5 program for the first number of years we were mandated to
6 provide services to individuals from other countries who had
7 been brought into our country and trafficked in this country.

8 And most of them had no legal status. So the legal
9 staff would work together with law enforcement and immigration
10 officials to try to remedy that.

11 Q. Did you help or did your organization help victims acquire
12 visas?

13 A. I did not personally, but my staff assisted in the
14 process. The visa that trafficking victims are eligible for
15 are known as T visas. And it's known as a, what's called a
16 self-petitioning visa. Which means the person applies on his
17 or her own.

18 So any assistance that the staff gave was to help
19 gather the corroborating information from law enforcement, from
20 maybe mental health therapists, from physicians, anybody who
21 had been a part of that particular victim's case.

22 Q. After you worked at Safe Horizon, where did you go next?

23 A. On my own.

24 Q. What do you do on your own now?

25 A. Since 2007 I've done a number of things. I've done quite

1 a bit of international training on the subject of gender
2 violence, human trafficking, working exploitation.

3 I was part of the global training team at the U.N.
4 out of Vienna. And I have worked on several contracts with the
5 Department of State to provide training to other governments,
6 to attorneys, judges, law enforcement, police, community
7 members, NGOs, other government people. So I have done a lot
8 of that international training and workshops.

9 I have been involved with NGOs, non-governmental
10 organizations, in the U.S. to help build capacity, build
11 programs to provide services to this population.

12 I've participated in writing training curricula, and
13 continue to do training. I have worked with multidisciplinary
14 groups at the government level. And I have served as an expert
15 witness on a number of cases.

16 Q. How many cases have you served as an expert witness?

17 A. I don't know exactly. I haven't counted recently, but
18 between 30 and 35 cases since 2007.

19 Q. Do you teach human trafficking?

20 A. Pardon me?

21 Q. Do you teach in the field of human trafficking?

22 A. Well, I consider the training that I do a form of
23 teaching, yes.

24 Q. Do you teach at any universities as well?

25 A. Not currently. I have taught cross-cultural counseling at

1 New York University. And I think that's all in this related
2 field.

3 MR. RINALDO: Your Honor --

4 THE COURT: Yes, sir.

5 MR. RINALDO: In an effort to expedite the process, I
6 think I told you I might do this, we are willing to stipulate
7 that Ms. Burke, based on her education, her training, and her
8 experience under Rule 702 should be permitted to offer opinion
9 testimony in the case. There is no need to draw it out.

10 But the opinion testimony would be limited to what
11 you said she would be permitted to testify to.

12 THE COURT: Right.

13 MR. RINALDO: Which are characteristics,
14 characteristics of those who are victims of human trafficking.

15 THE COURT: Relevant to our case?

16 MR. RINALDO: Yes.

17 THE COURT: All right. Thank you, sir.

18 All right. Ms. Burke will be qualified as an expert
19 in the field of human trafficking as it relates to the -- well,
20 why don't you characterize what you want her to testify to.

21 MS. PATTERSON: Absolutely, Your Honor. We would
22 tender her as an expert on the patterns and practices of human
23 trafficking, including victim profiles, perpetrator profiles,
24 or any sort of trafficking behaviors.

25 THE COURT: All right. And that's what I ruled on

1 previously. So she will be permitted to testify in those
2 areas.

3 MR. RINALDO: As patterns.

4 THE COURT: Yes.

5 MS. PATTERSON: Your Honor, we would like to admit
6 Ms. Burke's curriculum vitae, which is Plaintiff's Exhibit 13
7 into evidence as well. I can lay the foundation.

8 THE COURT: Any objection to that?

9 MR. RINALDO: Your Honor, might I take a look at it?

10 THE COURT: Sure. Well, let's have Ms. Burke take a
11 look at it and make sure it is her latest CV.

12 MS. PATTERSON: It is tab 13. Sorry, tab 12.

13 MR. RINALDO: I was going to say there is nothing in
14 tab 13.

15 MS. PATTERSON: Tab 12.

16 COURT SECURITY OFFICER: There is nothing in tab 13.

17 MS. PATTERSON: Tab 12.

18 MR. RINALDO: Your Honor, I think I am going to
19 object to this on several grounds. One being that I think it
20 is -- unless you don't want me to say.

21 THE COURT: Why don't we just -- why don't we hold it
22 for now. And I will give you an opportunity to talk about this
23 after our jury leaves, and I will rule at that time.

24 So your motion to admit it is pending. We will
25 discuss it further. We just won't admit it at the present

1 time. I don't think you need it for the testimony purposes.
2 So why don't you move on to the testimony.

3 MS. PATTERSON: Yes, Your Honor.

4 THE COURT: All right.

5 BY MS. PATTERSON: (Continuing)

6 Q. Ms. Burke, you mentioned earlier that you supervised
7 people who help victims submit T visas; is that right?

8 A. Yes.

9 Q. I want to go back to that. You mentioned that the T visa
10 is -- can you explain again what a T visa is.

11 A. Well, I'm not an attorney. The best of my understanding,
12 a T visa is granted to people who are deemed to be victims of a
13 severe form of trafficking.

14 And the victim petitions, sends a petition to
15 adjudicators at the Vermont Service Center. It's not a
16 criminal procedure, it's not adversarial, but there are strict
17 standards of evaluation that a board of adjudicators looks at
18 to evaluate.

19 THE COURT: All right. This is outside of her
20 expertise as she has just admitted, so let's move on.

21 MS. PATTERSON: Your Honor, may I ask her questions
22 about her experience with supervising the T visas and her
23 understanding of T visas?

24 THE COURT: Supervising -- how did she supervise --
25 she is supervising people who have those visas?

1 MS. PATTERSON: No, Your Honor. She testified
2 earlier that she supervises people who help, as direct
3 services, victims of human trafficking submit T visas.

4 If I may proffer, Your Honor --

5 THE COURT: No, let's approach the bench.

6 MS. PATTERSON: Yes, Your Honor.

7 THE COURT: I am sorry for the noise again. Please
8 feel free to stand up and stretch any time you want.

9 NOTE: A side-bar discussion is had between the Court
10 and counsel out of the hearing of the jury as follows:

11 AT SIDE BAR

12 THE COURT: So I don't want her going into the
13 decision-making process that her group is going through to
14 determine who gets a visa and who doesn't get a visa under
15 these circumstances.

16 So what's the relevance then?

17 MS. PATTERSON: Yes, Your Honor. We were merely
18 going to ask her about, to best of her understanding, what
19 components there are to a T visa. For example, you have to
20 file the T visa application along with the Supplemental B Form.
21 And whether her understanding is, in her direct experience, if
22 in every situation she submits the T visa application along
23 with the Supplemental B, and her understanding of how many T
24 visas there are.

25 Which is in her -- I can lay additional foundation,

1 but it's within her knowledge that she knows how many T visas
2 there are and her understanding given her expertise and
3 experience in the area how many are granted. Not the
4 decision-making process, but just the pure numbers.

5 MR. RINALDO: But, Your Honor -- go ahead, I'm sorry.

6 THE COURT: What are the numbers?

7 MS. PATTERSON: So the numbers, Your Honor, is that
8 in the last 15 years there have been 6,300 granted. And I
9 can't remember what she said, but there is a maximum number
10 that are permissible, and that the U.S. government rarely meets
11 that number. They have met maybe 900 a year filed and 400 are
12 granted.

13 This is something she knows through her experience as
14 a human trafficking expert. I will not ask her about why those
15 T visas are granted. Just pure statistics.

16 MR. RINALDO: But how is that relevant to this case,
17 Your Honor? And how is it within her area of qualification
18 that we just did?

19 MS. PATTERSON: Respectfully, Your Honor, Mr. Rinaldo
20 raised the issue of my client's T visa. And so it's -- we
21 should be permitted to explore what the T visa is and what the
22 statistical numbers are.

23 MR. RINALDO: No. She already -- she has already
24 said what a T visa is, she has explored it. But to go on and
25 say, well, you know, lots of people apply, but only some get

1 granted, and she got granted, that is like vouching for the
2 validity of it.

3 MS. PATTERSON: Your Honor, we will not ask her to
4 vouch for --

5 THE COURT: That's what the numbers do. When you get
6 into the numbers of those that are admitted, those that aren't,
7 and the other criteria, and the application process is vouching
8 for her testimony.

9 So I am going to exclude it. Your exception is
10 noted.

11 MS. PATTERSON: Yes, Your Honor.

12 THE COURT: As far as the CV is concerned, it is a
13 very detailed CV, awards, publications. And I don't know
14 whether you want to highlight anything with her testimony about
15 anything that you believe is relevant to her credentials in the
16 CV. And we're going to go beyond tonight with her testimony,
17 so look at that tonight.

18 MS. PATTERSON: Yes, Your Honor.

19 THE COURT: But I am not going to allow -- I am not
20 going to admit the entire CV given its extensiveness. And it's
21 not all relevant to what she is testifying about today. So
22 look at what you want to highlight.

23 MS. PATTERSON: Sure.

24 THE COURT: And work it in that way. Okay?

25 MR. RINALDO: Thank you.

1 MS. PATTERSON: Absolutely, Your Honor. Just so Your
2 Honor knows, we expect that her testimony will last at least
3 another hour or more.

4 THE COURT: Right. I think we will go until 5:30
5 today, I mentioned that to the jury, and stop there. And then
6 that's when we will look to finish in the evenings. So we will
7 start at 9 o'clock tomorrow.

8 MS. PATTERSON: Okay.

9 MR. RINALDO: We will start at 9 tomorrow?

10 THE COURT: Does that work for everyone?

11 MS. PATTERSON: Yes, Your Honor.

12 MR. RINALDO: That's fine.

13 NOTE: The side-bar discussion is concluded;
14 whereupon the case continues before the jury as follows:

15 BEFORE THE JURY

16 THE COURT: All right, thank you.

17 Please proceed.

18 MS. PATTERSON: Thank you, Your Honor.

19 BY MS. PATTERSON: (Continuing)

20 Q. Ms. Burke, I would like to direct you back to some of the
21 experience you mentioned previously. Have you ever interviewed
22 human trafficking victims?

23 A. Yes, I have.

24 Q. What are some of the challenges in interviewing human
25 trafficking victims?

1 A. It depends on the person. I've interviewed hundreds of
2 victims, and each person is different, has a different
3 experience before the trafficking, during, and after.

4 The challenges for me can be language and culture.
5 So I often use an interpreter when I'm interviewing. And the
6 opportunities to interview are usually not, in my capacity are
7 usually not extensive. I mean, when I was at an agency, they
8 were. But working on my own as a consultant, I might interview
9 a person for several hours. So that can be a challenge.

10 People have good days and bad days, and certainly
11 victims of trafficking by and large have suffered a crime that
12 can leave them in various states of distress. I often
13 interview people several years after they have been in the
14 trafficking situation. There can be something that is known as
15 interview fatigue if it involves an interview of a person who
16 is going through a legal process, an immigration process, and
17 has been interviewed repeatedly by different people. There can
18 be interview fatigue.

19 Trauma plays a major part in any kind of interaction,
20 if there is evidence of trauma, and how that plays out and how
21 that affects both my questioning or having a dialog with
22 someone in an interview. And it certainly affects the person
23 who is responding to me.

24 So those are some of the immediate challenges that
25 come to mind.

1 Q. In your experience interviewing victims and through your
2 experience with human trafficking, are there common
3 characteristics for human trafficking victims?

4 A. Well again, everyone is an individual, and we're talking
5 about people who are -- trafficking victims can be of any age,
6 can be of any gender, can be of any nationality, any ethnicity,
7 any religious background, et cetera.

8 I would say the common characteristics are that
9 victims of trafficking have been exploited, and they have been
10 exploited so that someone else could gain from that
11 exploitation.

12 Another characteristic are vulnerabilities, and those
13 differ according to the person. But I would say a common
14 vulnerability is that a person is in need of something, usually
15 in need of the opportunity to work, to earn money, to have a
16 better life, to support a family.

17 And these vulnerabilities then make it easier for
18 people to exploit them for their own gain.

19 Q. Is there a common victim profile for victims of human
20 trafficking?

21 A. A profile? I think I would have break that down into the
22 type of trafficking.

23 Q. Sure.

24 A. So, for instance, if we're looking at trafficking into
25 agriculture, it's both men and women. I think there are

1 currently more men being trafficked into agriculture. Probably
2 these victims don't have a high educational level.

3 And for victims of other kinds of trafficking, a
4 certain skill might be prevalent. For victims of domestic
5 servitude, domestic worker trafficking, we see mostly women, by
6 and large from Asia, Africa, Central America, Latin America.
7 The age varies, but I would say the bulk of victims that I have
8 seen in many trafficking cases is somewhere between 20 and 45.
9 There are outliers on both ends.

10 So I would say those would be characteristics, not
11 necessarily a profile.

12 Q. Is there victim characteristics for victims of sex
13 trafficking?

14 A. I think it's similar to other kinds of trafficking, that
15 people are vulnerable because they are in need of opportunity,
16 they are in need of financial resources, in need of something
17 that they are not able to attain where they currently are and
18 are easily then exploited into sex trafficking.

19 We see younger people that seem to have particular
20 vulnerabilities, that don't have a stable home life perhaps,
21 who find themselves homeless and can be exploited by people who
22 are promising them. I mean, that happens in every case, that
23 someone is being promised something, and that promise becomes
24 something else.

25 Q. What about perpetrators of human trafficking, are their

1 common characteristics among perpetrators?

2 A. I would say that there is some greed involved, that people
3 find a way to exploit vulnerabilities so that they can benefit
4 from the work of others. No matter if that work is compelled
5 labor or commercial sex.

6 But there is no real profile. Perpetrators can be
7 family members, can be organized crime, can be gangs, can be
8 the people next door, can be government officials, can be
9 clergy, can be anybody.

10 Q. So you mentioned that there are vulnerabilities that make
11 these victims susceptible to trafficking.

12 Based on your experience, how are people brought into
13 domestic servitude trafficking?

14 A. Individuals, mostly women in this case of domestic
15 servitude, are seeking employment. These women probably don't
16 have a lot of skills because of where they come from perhaps.
17 And there are many people around the world who are looking for
18 domestic workers and offer jobs of doing domestic work,
19 housecleaning, being a nanny, et cetera. And people accept
20 these jobs.

21 Q. How do perpetrators keep the domestic workers after they
22 have been trafficked?

23 A. How do they keep them?

24 Q. Yeah.

25 A. Well, trafficking is based on force, fraud, or coercion.

1 And those same elements are used to hold onto, to control a
2 person in a domestic worker situation.

3 So that can take many forms. It can take the form of
4 physical force, physical abuse, threats, sexual assault
5 threats, threats to one's reputation. It can take the form of
6 psychological control, manipulation where a domestic worker is
7 confined pretty much to a house.

8 You need to think about it in terms of domestic
9 workers being among the most hidden members of a society often,
10 just inside a home, and the only people that know them are the
11 people that come and go in that home.

12 So different kinds of surveillance, whether it be a
13 formal form of surveillance or informal because someone is
14 living in the same house as the employer. Threats to maybe
15 expose someone's immigration status to law enforcement, or
16 threats to harm someone, or harm someone's family.

17 Reputational threats are quite prevalent. Employers
18 will often say, you know, if you try to escape or if you talk
19 to people about what's going on here, we will tell your family
20 what you've been doing.

21 So a lot of stigma around some of the situations
22 within a domestic worker's environment. And it's not the
23 domestic work itself that's terrible, it's the situation and
24 the circumstances of what goes on in addition to that work.

25 Q. You mentioned that domestic workers are some of the most

1 hidden members. What do you mean by that?

2 A. Well, it's very common for people who have a domestic
3 worker to just keep the person in the home. And if they are
4 exploiting that domestic worker, that is especially true. The
5 only time that people would see them, they wouldn't see the
6 exploitation. People would see normal activities.

7 If someone is taken out of the home, they wouldn't
8 see any lack of payment, they wouldn't see any document
9 withholding, they wouldn't see any abuse because that is taking
10 place in the home. And generally employers would not exhibit
11 those behaviors in front of other people.

12 So that's what I mean, that they are in someone's
13 private dwelling.

14 Q. Do domestic workers have any sort of special
15 vulnerabilities compared to other types of workers?

16 A. Well, I think the isolation. I think the dependency on
17 the employers. I mean, they are living in the employer's home.
18 So they are dependent upon them for housing, for food, for
19 other things. Complex relationships develop among employers
20 and their domestic workers.

21 And there is a power imbalance between the employer
22 and the worker that makes them very vulnerable.

23 Q. So I want to follow up on a couple of those issues. First
24 you mentioned that a complex relationship develops. What do
25 you mean by that?

1 A. Well, again, each case is different, but depending on what
2 the relationship is to begin with between an employer and their
3 domestic worker, are they known to them beforehand, are they
4 family members who then have these domestic workers. Are they
5 other people that somebody told them about? Or are they
6 strangers?

7 So all of that plays into then what kind of
8 relationship develops once someone is in a situation where
9 there is exploitation.

10 So if you know someone and you thought this was going
11 to be a good situation, and you were told that you would do X,
12 Y, and Z, and you would get this much money, and then it
13 becomes quite different, that's deception.

14 And I think depending upon the relationship with the
15 employer, that can have a greater effect or a lesser effect on
16 someone. If you are deceived by someone you trusted, the
17 result is usually more severe.

18 Q. What results are you talking about?

19 A. I'm talking about how a worker, the impact on a worker,
20 the emotional, physical, psychological well-being of a worker.

21 THE COURT: Ms. Patterson, why don't we stop there
22 for the day. Does that work? If you want to ask a couple of
23 additional questions to finish this topic, please, go ahead,
24 and then we'll finish for today.

25 MS. PATTERSON: Yes, Your Honor. If I may just ask

1 one question.

2 THE COURT: Sure.

3 BY MS. PATTERSON: (Continuing)

4 Q. Ms. Burke, you mentioned also that there was a power
5 imbalance. What did you mean by that?

6 A. Well, the people that employ domestic workers, they have
7 more money. They have probably a better standing in the
8 community. They probably have more education. They probably
9 have jobs. They are more successful.

10 And the domestic worker has very little of any of
11 those things, and they are dependent on the employer.

12 Q. And how does that impact that relationship?

13 A. It makes it very difficult for a domestic worker to assert
14 herself, to complain, to ask to leave, to ask to make changes.

15 And in many cultures it's just not appropriate.
16 Someone wouldn't even think about questioning their employer
17 because of this power and cultural imbalance.

18 MS. PATTERSON: No further questions for today, Your
19 Honor.

20 THE COURT: All right. Thank you, Ms. Patterson.

21 All right, Dr. Burke, we're going to excuse you for
22 tonight and we will begin again at 9 o'clock tomorrow morning.
23 All right?

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: And I will excuse you at this time until

1 9 o'clock tomorrow morning.

2 Please remember how important it is that you not
3 discuss the testimony you have heard with anyone tonight, not
4 do any investigation, not do any research. Enjoy the evening,
5 and first thing I will ask you in the morning is whether you
6 have heeded my request.

7 So does 9 o'clock work for everybody? Is that good?
8 Okay.

9 Thank you all, you are excused, and we will see you
10 tomorrow morning at 9 o'clock.

11 NOTE: At this point the jury leaves the courtroom;
12 whereupon the case continues as follows:

13 JURY OUT

14 THE COURT: All right, please have a seat.

15 So you are in the middle of your testimony, so please
16 don't discuss the testimony that you have already given here
17 today. You are certainly allowed to consult with counsel about
18 issues not already raised if you so choose. All right.

19 THE WITNESS: Thank you.

20 THE COURT: All right, thank you. You are excused.

21 NOTE: The witness stood down.

22 THE COURT: Anything we need to discuss at this time
23 before we break until tomorrow morning?

24 MS. PATTERSON: Not from us, Your Honor.

25 THE COURT: Mr. Rinaldo?

1 MR. RINALDO: Not from me, Your Honor.

2 THE COURT: All right. Then we'll see you all at 9
3 o'clock tomorrow morning.

4 Look at the CV and see what else you want to put in
5 there. There is just so much that isn't focused on the human
6 trafficking expertise. With the objection, it's well-founded.

7 So you look at that and see what you want to do with
8 identifying any specific other achievements, awards, honors
9 that you believe you would like to address with Dr. Burke. All
10 right?

11 MS. PATTERSON: Yes, Your Honor.

12 THE COURT: All right. Good then.

13 All right, thank you all. We are in recess.

14 NOTE: The July 25, 2017 portion of the case is
15 concluded.

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21 I certify that the foregoing is a true and
22 accurate transcription of my stenographic notes.

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24

25

/s/ Norman B. Linnell
Norman B. Linnell, RPR, CM, VCE, FCRR